
Subject:	STATEMENT OF COMMUNITY INVOLVEMENT
Meeting and Date:	Cabinet – 14 May 2018
Report of:	Nadeem Aziz, Chief Executive
Portfolio Holder:	Councillor James Back, Portfolio Holder for Built Environment
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report:	To seek permission to consult on a draft Statement of Community Involvement
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Recommendation:	To approve the draft Statement of Community Involvement attached at Appendix one for a six-week consultation.
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1. Summary

1.1 The Council's Statement of Community Involvement (SCI) sets out how, when and where the Council will consult with local and statutory stakeholders both during production of development plan documents, and within the development management function. The Council is required by law to produce an SCI and, once adopted, provisions that relate to plan-making become binding. The existing SCI was adopted in 2016 and continues to meet most statutory requirements. However, additional requirements are being introduced by The Neighbourhood Planning Act 2017. The SCI has been updated for consultation to take into account these changes.

2. Introduction and Background

2.1 The requirement to produce a Statement of Community Involvement occurs under Section 18 of the Planning and Compulsory Purchase Act 2004 (PCPA 2004). When a Development Plan Document is subjected to examination in public, the Inspector must be satisfied that it has been prepared in compliance with the Council's SCI and that the SCI itself meets with the requirements set out in the regulations.

2.2 The current SCI formalised community engagement methods that had developed and refined over a ten year period since the adoption of the Council's initial SCI in 2006. It was developed further through engagement with relevant sections within the Council and public consultation.

2.3 The Neighbourhood Planning Act 2017¹ has introduced additional requirements for SCI's by amending Section 18 of the PCPA 2004. These are:

- A requirement to set out the Council's policies for involving interested parties in the preliminary stages of plan-making;

¹ Section 6 and Section 13 Neighbourhood Planning Act 2017 coming into force 31st July (The Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018)

- A requirement to set out the Councils policy for any public involvement in relation to the Council's Local Development Scheme (LDS); and;
 - A requirement to set out the Councils policies for giving advice or assistance in relation to Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders (Neighbourhood Planning).
- 2.4 In addition, a separate statutory requirement has been introduced requiring the Council to review its SCI every five years².
- 2.5 An updated SCI has been drafted with tracked changes to take in account these new requirements and is provided at Appendix One. A separate summary sheet of the suggested changes is also provided. As with the 2016 SCI, this predominantly set outs the Councils existing policies and practices as have developed over time.

New requirement to set out the Councils policies for involving interested parties in the preliminary stages of plan-making

- 2.6 The existing SCI already identifies who the Council involves in the preliminary stages of plan-making within the sections titled "Who we will involve in Plan Making" and "How we will involve the Community in Plan Making" across pages 5 - 8.
- 2.7 Additional clarification has however been suggested within the updated SCI to highlight how stakeholder engagement is determined on a case by case basis. This will vary according to the nature and requirements of the particular evidence base study to allow for flexibility.
- 2.8 Further minor updates have also been suggested within this section to make it as clear as possible as to how interested parties can be kept informed throughout all stages of the plan making process.

New requirement to set out the Councils policy for any public involvement in relation to the Council's LDS

- 2.9 With respect to the LDS, the purpose of this document is to enable local communities and interested parties to keep track of progress on Local Plan Documents. There is no statutory duty to consult on the LDS and consultation is not commonly undertaken by Councils. The timetabling within the LDS is informed by evidence base study outcomes which are further considered against resource availability. The introduction of an additional consultation stage on the LDS may adversely affect this timetabling through slowing down the process and risks bringing about consultation fatigue.
- 2.10 The existing SCI highlights that the LDS is published for information only. In view of the above considerations, officers are not recommending changes to this at this time.

New requirement to set out the Councils policies for giving advice or assistance in relation to Neighbourhood Planning

- 2.11 The most significant addition is the formalisation of the Councils policies for giving advice or assistance in relation to Neighbourhood Planning with a new page created for this. The suggested wording builds upon the Councils past and current

² New Regulation 10A The Town and Country Planning (Local Planning) (England) Regulations 2012 came into force 6th April 2018 via The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

experience and incorporates best practice guidance from the Local Government Association³ and Locality⁴. Accordingly, Officers recommend that the actions set out on page 10 of the draft SCI represent the appropriate balance of meaningful assistance to the Neighbourhood Planning process against available resources.

- 2.12 In addition, there are several minor changes throughout the draft document providing factual updates or clarifications, including a reference to the new requirement for the Council to review the SCI at least every five years.
- 2.13 The draft SCI will be accompanied by a key question sheet attached at Appendix two. This draws attention to the proposed timescales for consultations associated with plan making and asks for comments on that topic.
- 2.14 It is necessary for the consultation on the SCI to last no less than six weeks as this is what the Council has committed to within the existing SCI.
- 2.15 Feedback on these changes will help the Council to clarify its approach to plan making consultation. The results of this consultation and any recommended changes will be reported to DDC Cabinet in due course.

3. Identification of Options

- 3.1 To approve the draft Statement of Community Involvement attached at Appendix one for consultation, with the associated key question sheet attached at Appendix two.
- 3.2 Not to approve the draft Statement of Community Involvement attached at Appendix one for consultation.

4. Evaluation of Options

- 4.1 Consultation on the proposed draft Statement of Community Involvement would allow the Council to develop, and adopt, an up-to-date Statement of Community Involvement.
- 4.2 If the consultation does not go ahead, the Council will not have an up-to-date Statement of Community Involvement. This would result in a risk of any future Development Plan Document being found 'unsound' by the Inspector during examination in public.

5. Resource Implications

- 5.1 If Cabinet agrees to a six week consultation on the proposed draft Statement of Community Involvement a copy will be placed on the Council's website, and paper copies will be made available at the main and area offices and libraries. The consultation will be advertised in local newspapers. The cost of these actions is estimated at £400, which is within the Local Plan budget.

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: 'Finance has been consulted and has nothing further to add (SB)'.

³ <https://www.local.gov.uk/plan-making-local-planning-authorities-advise-and-assist-role-neighbourhood-plans>

⁴ <http://locality.org.uk/wp-content/uploads/Quick-Guide.pdf>

- 6.2 Comment from the Planning Solicitor: 'The Planning Solicitor has been consulted in the preparation of the report and has no further comments to make'.
- 6.3 Comment from the Equalities Officer: 'This report does not specifically include any equality implications, however in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>'.

7. **Appendices**

Appendix One – Proposed Revision to the Statement of Community Involvement, for consultation (tracked changed version with summary of proposed changes)

Appendix Two – Key Questions for the Consultation

8. **Background Papers**

Dover District Council Statement of Community Involvement, Adopted April 2016

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