

# **Cherwell District Council**

## **Council**

**18 October 2021**

## **Revised Statement of Community Involvement (Planning)**

### **Report of Assistant Director – Planning and Development**

This report is public.

#### **Purpose of report**

To consider the proposed Statement of Community Involvement (SCI) for adoption following recommendation from Executive dated 4 October 2021.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To adopt the Statement of Community Involvement (SCI) at Appendix 2 as a replacement for the current statement of community involvement (CSCI) adopted on 18 July 2016
- 1.2 To delegate the adoption of future Statements of Community Involvement and the approval of amendments to the Executive.
- 1.3 To delegate to the Assistant Director – Planning and Development the authority to modify the Statement of Community Involvement in exceptional circumstances with the agreement of the Lead Member for Planning.

#### **2.0 Introduction**

- 2.1 A statement of community involvement, as defined within the relevant planning legislation, sets out who the Council will engage with in preparing key planning policy documents and determining planning applications and how and when they will be engaged.
- 2.2 The CSCI was adopted by the Council on 18 July 2016. It is a statutory requirement to produce a Statement of Community Involvement and review it every five years from the date of adoption. Planning Practice Guidance (PPG) emphasises that this is to ensure that policies remain relevant and community involvement is effective at all stages of the planning process.

- 2.3 The review of the CSCI provides an opportunity to incorporate more flexible arrangements for consultation and engagement which have proven effective under the temporary measures which have been necessary during the pandemic, and to bring the council's statement of community involvement into line with changes to the way that customers choose to access information and interact with the Council. It encourages the use of information and communication technology while ensuring that those without the internet can access our planning services, engage, and comment.
- 2.4 A draft was published for public consultation for a six-week period ending on 23 August 2021. Consultation and engagement were undertaken in accordance with the principles set out in the 2016 SCI. In total, the Council received 36 representations:
- 19 were from Town and Parish Councils;
  - 1 from a neighbourhood planning group;
  - 1 from developer interests; and
  - 15 from others (including statutory consultees, neighbouring authorities and the public).
- 2.5 All representations received are summarised in Appendix 1. Officers' comments on those responses and any amendments that have been made to the SCI to address the consultation feedback are also reflected in Appendix 1.
- 2.6 Appendix 2 contains the final, proposed version of the SCI and incorporates changes as a result of the consultation. The key change in the document compared to the consultation draft version is the retention of 'neighbour notifications' for most planning applications while providing for alternative means of publicity for defined 'strategic' applications. Other points of clarity, including listing other local planning authorities that border Cherwell have also been incorporated.
- 2.7 The Executive considered the proposed SCI at a meeting on 4 October 2021. It resolved to recommend to Council that the SCI be adopted and that the future delegation arrangements be made for Executive and the Assistant Director – Planning and Development as set in the recommendations to this report to Council.
- 2.8 If adopted by Council, the 2021 SCI would replace the CSCI adopted in July 2016 and its 2020 addendum. It would then be used as the framework for future consultation and engagement across the planning service.

### **3.0 Report Details**

- 3.1 The Council must comply with its adopted statement of community involvement in preparing relevant planning policy documents and in determining planning applications.
- 3.2 The proposed SCI sets out the consultation and engagement processes that will be used in preparing planning policy documents and in determining planning applications. It explains the statutory requirements that the Council must meet at each stage and what other consultation or engagement processes may be undertaken in addition to these minimum requirements. This gives the public and

stakeholders certainty over what sort of engagement they can expect within the planning process and the ways they can get involved.

- 3.3 Since the adoption of the CSCI in July 2016 there have been several changes to planning legislation, policy and guidance that need to be reflected. This includes the current National Planning Policy Framework (NPPF) and a requirement for a statement of community involvement to set out the Council's policies for giving advice and assistance in relation to Neighbourhood Planning.
- 3.4 The review of the CSCI has prompted consideration of how information is made available, how more up-to-date means of communication can be employed, how we can facilitate easier engagement with the planning system and how we can be more efficient and cost-effective. The Council's climate emergency declaration and the need to make the best use of resources have also been influential.
- 3.5 The pandemic has led to a dramatic acceleration in the use of information and communication technology for remote and instant contact often with large groups of people. In addition to increased reliance on email and social media, video calling, conferencing and consultation have become widespread. Since the adoption of the CSCI in 2016, there has been acceptance that public information is most readily accessible online. It is likely that digital forms of consultation and engagement will continue to grow.
- 3.6 Officers have taken this into account in preparing the SCI whilst recognising that not all our communities and customers will be able to readily access information digitally. We may experience a reaction to pandemic 'lockdown' and remote contact with a renewed demand for face-to-face engagement. In preparing the SCI, we have sought to strike a balance while responding to the realities of finite resources.

### **Plan Making**

- 3.7 The timely review of the Cherwell Local Plan is important in meeting the Council's priorities, to economic recovery and to meeting the Government's aspirations to have plans in place across the country by December 2023. Public participation is integral to plan-making and needs to be undertaken positively, effectively and efficiently. The Plan must be capable of being found 'sound'; must be shaped by "*... proportionate and effective engagement*" and "*...accessible through the use of digital tools to assist public involvement*" (NPPF).
- 3.8 The consultation and engagement methods within the SCI for plan-making seek to embrace the use of technology. For example, a new corporate consultation system is expected and more provision is made within the SCI for remote engagement.
- 3.9 However, in-person community involvement is still provided for and flexibility is accommodated for either online or physical events and workshops depending on the circumstances. We need to continue to provide the opportunity for those without access to online resources, or the confidence to use them, to be heard in how we plan the district. The less rigid approach in the SCI to how we engage seeks to reduce the possible need for further review in the near term.

- 3.10 The SCI updates the approach for making documents publicly available, reflects the closure of Council link-points, but maintains the availability of documents at public libraries when open.
- 3.11 The SCI sets out what can be expected of officers in supporting Parish/Town Council in preparing new Neighbourhood Plans or their review.
- 3.12 In response to the consultation on the draft of the SCI, some Parish Councils have raised concerns about Local Plan consultation matters - particularly the issue of consultations over holiday periods or timeliness in relation to bi-monthly Parish Council meetings. It is not proposed that the SCI restricts the periods that Local Plans are consulted upon as, firstly, there are statutory timescales that must be adhered to at certain stages of plan-making; and secondly, a commitment to avoid certain periods could lead to delays to complex work programmes and have unintended consequences in terms of resourcing and project prioritisation. Officers are, however, always mindful of such issues in planning consultations and provide appropriate accommodation where it is necessary, reasonable and practicable to do so having regard to the relevant regulations as appropriate. It is important that officers retain flexibility, consulting with Lead Member where required.

### **Development Management**

- 3.13 The SCI has been updated to take account of latest government guidance on development management. It explains the process for considering applications and the opportunity for engagement with the decision-making process. There is a need to balance the need for timely decision making and improved efficiency with the need to maintain participation in the planning process.
- 3.14 The SCI encourages pre-application engagement with local communities for 'large scale development' Respondents to the consultation on the draft SCI generally felt that the term 'large scale development' should be left undefined and it is helpful to officers to have flexibility in targeting this. The proposed version of the SCI therefore remains unchanged from the consultation version.
- 3.15 In response to consultation, it was suggested by some that the Council publishes a local validation checklist including a requirement that all major applications be accompanied by a statement of community involvement. National advice on submitting a valid application is available on the Planning Portal and officers consider that local flexibility is more helpful at this time to target requests for additional information and avoid potentially unnecessary requirements by default.
- 3.16 A significant response was received to consultation on whether the Council should move away from individual neighbour notification letters to a more widespread use of site notices to publicise planning applications. One representation was received in support of this proposal whilst 28 representations felt that both letters and site notices should continue to be used. Notwithstanding the potential efficiency benefits of such a change, officers have taken this feedback on board and the recommended version of the SCI commits the Council to continue sending neighbour notification letters to adjoining owners or occupiers for most applications.
- 3.17 However, it is proposed that alternative means of publicity are used for defined 'strategic' sites (table 7 of the SCI). These applications do not form the bulk of case work and the process of identifying and notifying individual neighbours is a more

resource demanding process for much larger sites. The SCI therefore proposes the use of the Council's website and other bespoke publicity arrangements instead of neighbour notifications in those particular cases. Table 6 in the SCI, which sets out minimum publicity requirements has been updated from the CSCI accordingly.

- 3.18 Within the SCI is detailed explanation of when and how consultation takes place on different types of application and how and when information is published. Officers have sought to be clear on process and to help manage expectations.
- 3.19 There is no specific statutory obligation to take late representations into account in considering applications for planning permission<sup>1</sup> but the Council presently does so. Having regard to consultation responses, the SCI proposes that the Council continues to use discretion positively and continue to accept representations up until the point of determination. However, to help manage this, and to encourage the timely submission of representations, our on-line facility for submitting representations would be closed at the end of each consultation period. Officers would, however, exercise discretion in accepting late responses received by email or post after the formal end of consultation as far as it is reasonably practicable to do so. The SCI has been updated from the CSCI to reflect this change.

### **Climate Action**

- 3.20 It is considered that the proposed SCI can provide a contribution to the Council's climate action response. The increased potential to employ information and communication technology in community engagement on a more 'permanent' basis and to secure some reduction in the use of paper and printing would be beneficial.

### **Adoption**

- 3.21 The 2021 SCI must be considered by Council as the CSCI was adopted as Council policy and only Council has the authority to change that. Once formally adopted, it would replace the SCI adopted in July 2016 and its 2020 addendum. It would be used as the framework for future consultation and engagement across the planning service. It is proposed that Council delegates responsibility for approving future reviews of the SCI to the Executive and provides delegation to modify the SCI in exceptional circumstances to the Assistant Director in consultation with the Lead Member.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The recommendation of this report is to adopt the new Statement of Community Involvement, to replace the existing document adopted in 2016 and its 2020 addendum. The proposed SCI updates the Council's approach to engagement and consultation in providing its planning services. The SCI incorporates more flexibility for the use of information and communication technology and seeks to achieve some efficiencies. However, it maintains a clear commitment to ensure those without internet access remain participants in the planning process and that engagement and consultation is effective for all. The SCI conforms to national

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<sup>1</sup> The Council is under a duty to take account of all material considerations and there is no statutory authority that allows the Council to ignore any just because they come to light after the consultation deadline: Sec 70(2) Town and Country Planning Act 1990.

planning guidance and has been through a formal six-week public consultation (13 July – 23 August 2021). Comments received during this period have been considered by officers and appropriate changes are recommended to form the final version of the SCI.

## **5.0 Consultation**

5.1 Councillor Colin Clarke - Lead Member for Planning.

## **6.0 Alternative Options and Reasons for Rejection**

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

**Option 1:** To continue to use the existing 2016 SCI.

The existing document does not address all requirements introduced since 2016 and does not provide the necessary flexibility for community engagement in the future. The 2016 SCI will become increasingly out-of-date.

**Option 2:** To reconsider the content of the revised SCI

The revised SCI has been produced having regard to statutory and policy requirements for plan making and development management and to associated guidance. It is considered by officers to be appropriate for adoption.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 There are no significant finance and resource implications arising from this report. The revised SCI has been prepared within existing resources. The changes to engagement and consultation policy set out in the revised SCI would be met within existing budgets.

Comments checked by:

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### **Legal Implications**

7.2 The SCI has been prepared to meet statutory requirements: specifically Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) which requires a statement of community involvement; Section 6 of the Neighbourhood Planning Act 2017 requiring a statement of community involvement to set out the local planning authority's policies for giving 'advice and assistance' in relation to Neighbourhood Planning; and, Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requiring review of a statement of community involvement within five years of adoption.



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### **Lead Councillor**

Councillor Colin Clarke - Lead Member for Planning

### **Document Information**

#### **Appendix Number and Title**

- Appendix 1: Comments received during the consultation on the Draft Statement of Community Involvement and Officers' response.
- Appendix 2: Proposed Statement of Community Involvement
- Appendix 3: Equalities Impact Assessment

#### **Background papers**

None

#### **Report Author and contact details**

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