

Cherwell District Council

Executive

5 July 2021

Revised Statement of Community Involvement (Planning)

Report of Assistant Director – Planning and Development

This report is public.

Purpose of report

To seek approval of a consultation draft of a Statement of Community Involvement (SCI) for the Council's planning services.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the draft Statement of Community Involvement (SCI) at Appendix 1 for public consultation.
- 1.2 To authorise the Assistant Director - Planning and Development to make any changes he considers to be minor and/or presentational to the draft Statement of Community Involvement prior to the consultation and to determine the format of publication.

2.0 Introduction

- 2.1 A Statement of Community Involvement (SCI) 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 existing SCI was adopted by the Council on 18 July 2016. It is a statutory requirement to produce an SCI 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 SCI provides an opportunity to incorporate consider more flexible arrangements to consultation and engagement which have proven effective under the temporary measures which have been necessary during the pandemic, and to bring the SCI 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 Subject to approval by the Executive, a six-week consultation on the draft SCI will commence in June 2021. A final SCI will then be prepared taking into account representations received from the public consultation before being presented to Members for approval. Once approved it will replace the SCI adopted in July 2016.
- 2.5 The revised SCI, prepared for consultation, is presented at Appendix 1.

3.0 Report Details

- 3.1 The Council must comply with its adopted SCI in preparing relevant planning policy documents and in determining planning applications.
- 3.2 The 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 current SCI in July 2016 there have been a number of 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 the SCI to set out the Council's policies for giving advice and assistance in relation to Neighbourhood Planning.
- 3.4 The review of the SCI 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 last SCI was adopted in 2016, there has been acceptance that public information is most readily accessible on-line. It is likely that digital forms of consultation and engagement will continue to grow.
- 3.6 We have taken this into account in reviewing 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 and a renewed demand for face-to-face engagement. In reviewing the SCI, we have sort 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 being procured 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 on-line or physical events and workshops depending on the circumstances. We need to continue to provide the opportunity for those without access to on-line 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 clearly sets out what can be expected of officers in supporting Parish/Town Council in preparing Neighbourhood Plans.

Development Management

- 3.12 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. We are seeking to balance the need for timely decision making and improved efficiency with the need to maintain participation in the planning process.
- 3.13 In particular, it is proposed to consult on moving away from individual neighbour notification letters to a more widespread use of site notices to publicise planning applications. The legislation that governs the consultation process provides Local Planning Authorities (LPAs) with a choice. In most cases, LPAs can either display a site notice in at least one place on or near the land to which the application relates; or serve notice on any adjoining owner or occupier. This provision has remained consistent since at least 1995 whereas the transparency and availability of public access to planning applications via the Council's website has changed significantly in this period. We consider that a move to site notices, in combination with the online access provided by the Council's public web-portal, would be more efficient and would be effective. The outcome of SCI consultation on this proposal would be reported back to the Executive.
- 3.14 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. We have sought to be clear on process and to help manage expectations.

- 3.15 We have no statutory obligation to take late representations into account in considering applications for planning permission but presently do so. We propose to consult on our overall approach. Our proposal is to use our discretion positively and continue to accept representations up until the point of determination. Our on-line facility for submitting representations would be closed at the end of each consultation period, but we would continue to consider late submissions received by email or post and ensure that they are considered.

Climate Action

- 3.16 It is considered that the review of the 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 further reduction in the use of paper and printing would be beneficial.

Consultation on the SCI

- 3.17 There is no longer any formal requirement for LPAs to consult when reviewing or updating their SCI. However, having regard to the purpose of the document and the fact that officers have undertaken a full review, it is considered that consultation on the proposed policy statement is important. It is suggested that public consultation on the draft revised SCI should take place for a six-week period starting in June 2021.
- 3.18 The results of consultation would be presented to the Executive together with proposed final version of the SCI for adoption. It would then replace the SCI adopted in July 2016 and its 2020 addendum.

4.0 Conclusion and Reasons for Recommendations

- 4.1 A draft Statement of Community Involvement (SCI) has been prepared to update the Council's approach to engagement and consultation in providing its planning services. The SCI is a statutory document that must be complied with and reviewed within a five-year period (the existing SCI having been adopted in July 2016). The proposed SCI incorporates more flexibility for the use of ICT and seeks to bring about some efficiencies. However, it maintains a clear commitment to ensure those without internet remain participants in the planning process and seeks to ensure that engagement and consultation is effective for all. The Executive's approval is sought to proceed with public consultation on 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: Not to proceed at this time with the revised SCI consultation

The alternative option is to continue to use the existing 2016 SCI. This is not recommended. 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 draft 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 an appropriate consultation document.

Option 3: To adopt the SCI without consultation

SCIs are not subject to a formal requirement to consult. There is an option open to Members to adopt the SCI without a period of consultation. In view of the purpose of the document, consultation is recommended.

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.

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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 an SCI; Section 6 of the Neighbourhood Planning Act 2017 requiring an SCI 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 an SCI within five years of adoption. As set out in the report, whilst consultation is not necessary, the credibility of the SCI and hence its ability to resist any challenge to it is significantly enhanced protecting the integrity of the plan-making and development management process.

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Risk Implications

- 7.3 An up-to-date SCI is important to ensure that the Council is able to engage and consult effectively in providing its planning services. Without an up-to-date SCI, there is an increased risk of challenge to planning decisions and an increased risk that its local plan processes will not withstand scrutiny under examination

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