



AGENDA ITEM: 11

SUMMARY

Report for:	Cabinet
Date of meeting:	15 December 2015
PART:	1
If Part II, reason:	

Title of report:	Consideration of new Statement of Community Involvement (SCI) to guide consultation on planning matters.
Contact:	Graham Sutton, Portfolio Holder for Planning and Regeneration James Doe, Assistant Director (Planning, Development and Regeneration) Sara Whelan, Group Manager (Development Management) Laura Wood, Team Leader (Strategic Planning and Regeneration)
Purpose of report:	That Cabinet consider a draft of a new Statement of Community Involvement (SCI) and agree arrangements for seeking feedback on this.
Recommendations:	<ol style="list-style-type: none"> 1. To agree the draft of a new Statement of Community Involvement (SCI) for consultation as set out in the report; 2. That further technical information on consulting on planning applications is added to the SCI and that this is delegated to the Assistant Director (Planning, Development and Regeneration); and 3. That arrangements for targeted consultation are delegated to the Assistant Director (Planning, Development and Regeneration) on the basis as set out in the report
Corporate objectives:	The SCI sets out how the Council will consult on its planning policy document and on planning applications. It therefore directly supports the 'Community Capacity' and 'Dacorum Delivers,' and indirectly supports all other objectives via the plans and developments that arise through the planning process.
Implications:	<p><u>Financial</u></p> <p>There are no direct financial implications relating to the preparation of a new SCI. However, there are implications for the consultation arrangements set out within it: and the need to balance public expectations regarding the types of consultation techniques with the costs involved.</p> <p><u>Value for money</u></p>

	<p>The SCI sets out the range of consultation techniques that will be used within the planning process and the need to ensure that these are fit for purpose and proportionate in terms of the scale and nature of the planning issue(s) involved.</p> <p><u>Legal</u> The production on an SCI is a legal requirement. Compliance with an up to date SCI assist the Council in defending objections and appeals against its planning decisions. Conversely, failure to comply with the standards and processes set out within the SCI could result in legal action against the Council.</p> <p><u>Staff</u> No direct implications for staffing. However, all staff and elected Members need to be aware of the content of the SCI and follow processes and procedures within it.</p> <p><u>Land</u> No direct implications, although the planning documents and proposals that will be subject to consultation will have implications for the future use of land.</p>
Risk implications:	Key challenges relating to consultation are set out within the SCI itself. Key risks relate to non-compliance with the SCI – resulting in legal challenges - and the need to balance public aspirations regarding consultation and involvement in planning decisions, with the limited budgets available.
Equalities implications:	Equalities issues are considered through the Sustainability Appraisal process that all planning policy documents are subject to. The SCI itself also considers the most appropriate consultation techniques to reach different types of consultees. There may also be indirect implications for the SCI i.e. relating to the choice of venues for public consultation events and the need to ensure these are DDA compliant.
Health and safety implications:	No direct implications. There may be indirect implications relating to different types of consultation techniques and the choice of event venues.
Sustainability implications:	Sustainability implications for planning policy document are considered through the statutory Sustainability Appraisal process, which incorporates Strategic Environmental Assessment. Where necessary, major planning applications are required to carry out an Environmental Impact Assessment (EIA).
Monitoring Officer/S.151 Officer comments:	<p><u>Monitoring Officer</u> No comments to add to the report.</p> <p><u>Deputy Section 151 Officer</u> There are no direct financial consequences of this report.</p>
Consultees:	The draft revised SCI has bene discussed internally with the following teams:

	<ul style="list-style-type: none"> • Communications • Strategic Planning and Regeneration • Development Management • Legal <p>The intention of this report is to gain permission from Cabinet to extend this consultation to relevant external groups, including developers and agents, community groups and Town and Parish Councils.</p>																						
Background papers:	<ul style="list-style-type: none"> • Statement of Community Involvement (June 2006) • National Planning Policy Framework (March 2012) • Planning Practice Guidance (March 2014 and updated regularly online) • Town and Country Planning (Local Planning) (England) Regulations 2012 • Town and Country Planning (Development Management Procedure) (England) Order 2015 • Listed Buildings and Conservation Area Regulations 1990 																						
Glossary of acronyms and any other abbreviations used in this report:	<table border="0"> <tr><td>DPD</td><td>Development Plan Document</td></tr> <tr><td>SCI</td><td>Statement of Community Involvement</td></tr> <tr><td>LDS</td><td>Local Development Scheme</td></tr> <tr><td>NPPF</td><td>National Planning Policy Framework</td></tr> <tr><td>NPPG</td><td>National Planning Practice Guidance</td></tr> <tr><td>SPD</td><td>Supplementary Planning Document</td></tr> <tr><td>SPG</td><td>Supplementary Planning Guidance</td></tr> <tr><td>LPF</td><td>Local Planning Framework (also referred to as Local Development Framework)</td></tr> <tr><td>CIL</td><td>Community Infrastructure Levy</td></tr> <tr><td>GPDO</td><td>General Permitted Development Order</td></tr> <tr><td>PPA</td><td>Planning Performance Agreements</td></tr> </table>	DPD	Development Plan Document	SCI	Statement of Community Involvement	LDS	Local Development Scheme	NPPF	National Planning Policy Framework	NPPG	National Planning Practice Guidance	SPD	Supplementary Planning Document	SPG	Supplementary Planning Guidance	LPF	Local Planning Framework (also referred to as Local Development Framework)	CIL	Community Infrastructure Levy	GPDO	General Permitted Development Order	PPA	Planning Performance Agreements
DPD	Development Plan Document																						
SCI	Statement of Community Involvement																						
LDS	Local Development Scheme																						
NPPF	National Planning Policy Framework																						
NPPG	National Planning Practice Guidance																						
SPD	Supplementary Planning Document																						
SPG	Supplementary Planning Guidance																						
LPF	Local Planning Framework (also referred to as Local Development Framework)																						
CIL	Community Infrastructure Levy																						
GPDO	General Permitted Development Order																						
PPA	Planning Performance Agreements																						

BACKGROUND

Introduction:

Role of the SCI:

- 1.1 The purpose of the Statement of Community Involvement (SCI) is to outline the Council's standards for community involvement in the planning process and to identify ways we will achieve these standards.
- 1.2 It sets out the Council's approach to public consultation in two areas of planning:
 - **Planning Policies:** the preparation, alteration and continuing review of planning policy documents included within the Local Development Framework (LDF); and
 - **Planning Applications:** Consultation on planning applications.
- 1.3 In particular, it explains:

When we will consult the community in relation to planning applications, development plan documents and supplementary planning documents;

What publicity and consultation we will expect from applicants before they submit a planning application;

How we will engage with the community;

Who we will involve.

- 1.4 All local planning authorities are required to produce an SCI. The legal requirements for consultation, community involvement and planning applications are currently set out in the following legislation:
 1. **Plan-making:** Planning and Compulsory Purchase Act 2004; Town and Country Planning (Local Development) England Regulations 2012; Neighbourhood Planning (General) Regulations 2012; and
 2. **Planning applications:** Town and Country Planning (Development Management Procedure) (England) Order 2015; Listed Buildings and Conservation Area Regulations 1990.
- 1.5 Through the SCI the Council will seek to:
 - Give those who want to, the opportunity to constructively contribute and participate in the local planning process
 - Commence the consultation process to enable comments to be made in the early stages before policies are drawn up, i.e. at the issues and options stage
 - Actively encourage participation from any groups who have in the past been under-represented in the local planning process e.g. young people and people from ethnic minority groups
 - Keep organisations and the public informed about the local planning process and provide feedback on how their comments have been considered

- Raise awareness of the local planning process
- Ensure corporate participation
- Learn from the consultation process and to seek ways of improving it
- Draw from the consultation process, views of other Council services and where possible outside organisations.

1.6 The purpose of consulting on planning policy issues and planning applications is to provide opportunities for constructive contributions and involvement. This should enhance the quality of decision-making by the Council, promote shared responsibility (where appropriate); and raise awareness of the issues and understanding of decisions taken.

The need for an update

1.7 The Council adopted its first SCI in June 2006, following endorsement by an independent Planning Inspector. Since then there have been changes in government regulations, policies, guidance and ways of communication which have implications for the way the Council involves the community in planning. These changes in circumstances and the reason they require a revision to the SCI set out in Table 1 below. A distinction is made to the changes required in Part A of the SCI which relates to the Council's plan making function and Part B which relates to its planning decision-taking function (i.e. Development Management) and those that have more general implications.

1.8 Officers consider that this new SCI represents a realistic use of the resources available. However, there is always the flexibility to undertake additional consultation if sufficient staff and/or financial resources allow.

Key changes

1.9 Much of the text of the previous SCI has been retained. The format has been updated and the text simplified to make it easier to follow.

PART A: Plan Making:

1.10 The main changes relate to:

- Updated to reflect 2012 planning regulations, which simplified stages for plan preparation (i.e. removal of 'Preferred Options' stage);
- Increased emphasis upon electronic means of communication and information sharing – to reflect 'Digital Dacorum' programme;
- Inclusion of reference to the role of social media; and
- New cross references to CIL and Neighbourhood Plans.

PART B: Development Management:

1.11 The main changes relate to:

- Updated to reflect the consultation requirements laid down in the 2015 Regulations;
- Additional section regarding Planning Performance Agreements (PPA);
- Inclusion of reference to the agents forum;
- Details of pre-application advice and charging and

- Electronic links provided for legislation and other guidance.

1.12 Further detail will be added into the draft SCI to make clear the Council's procedure for notifying neighbours and posting site notices.

Consultation:

1.13 Planning regulations relating to SCIs have been considerably simplified since the last document was adopted in 2006, as a result of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009.

1.14 Whilst there remains a requirement to keep the SCI under review, there is no longer a requirement for Councils to undertake extensive consultation on the document. The only specification is that which relates to all Local Development Documents (LDDs), which is to consult with neighbouring local planning authorities.

1.15 However, Officers advise that due to the SCI containing a set of procedures that will have a direct impact on a range of organisations with an interest in planning matters, it is appropriate to undertake targeted consultation before the final revised document is brought into effect.

1.16 Cabinet is therefore requested to agree targeted consultation of the following groups / organisations:

- **Specific consultation bodies**, as defined in the Localism Act 2001. This includes adjoining local planning authorities, Hertfordshire County Council and other key bodies such as the Environment Agency, Natural England and Heritage England.
- **Planning agents and developers**
- **Town and Parish Councils**
- **Residents groups and community associations**

1.17 Cabinet is also asked to advise Officers if there are any specific groups they wish to ensure are consulted.

1.18 It is intended that this consultation is relatively informal in nature: asking for general feedback on the draft document, rather than requiring this feedback to be submitted on a prescribed form. Consultees will however be asked to be as specific as possible in terms of any changes they would like to see incorporated.

1.19 It is recommended that this consultation runs for a 6 week period beginning early in January 2016. This should enable responses to be considered and any revisions made to the document prior to the final version being put before Cabinet in time for the new SCI to be used to guide 'Issues and Options' consultation on the new single Local Plan for the Borough (see below).

Table 1: Summary of Reasons for SCI Update

Reason	Summary of Changes Required	
GENERAL	A. PLAN MAKING	B. DECISION TAKING
Changes in national policy and requirements		
Both the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG) have been published since the last SCI was prepared. The new SCI needs to reflect their requirements regarding consultation.	The need to refer to the new 2012 Planning Regulations which simplify the stages a plan has to pass through prior to adoption: removing the need for a formal 'Preferred Options' stage.	Changes to DM processes and procedures, including a new General Permitted Development Order (GDPO), which have introduced: <ul style="list-style-type: none"> • A new 'Prior Approval' process. • Planning Performance Agreements (PPAs). • Pre-application consultation by applicants for large development proposals. <p>The new Housing and Planning Bill also seeks to introduce further new process and procedures, including a 'Permission In Principle' (PIPs), which should be referenced.</p>
Resources		
Consultation is a resource intensive process, therefore practices must be revised due to increasing budget pressures and to ensure consult is carried out in the most efficient way.		Need to reference the new (chargeable) pre-application advice service.
New technology:		
Changes required to promote and utilise electronic communication as well as social media and reflect the Council's drive to be increasingly 'paperless.'	Lack of references to social media in the current SCI and the role this can play in raising awareness of consultation on planning matters.	Increased emphasis upon the use of electronic communication and the website for: <ul style="list-style-type: none"> • submitting comments on planning applications • Contacting consultees • Neighbour notifications
Increased corporate emphasis upon process being carried out via the Council's website,	Increased emphasis upon the use of: <ul style="list-style-type: none"> • Email; and 	

<p>rather than face to face or via telephone or letter.</p>	<ul style="list-style-type: none"> • Online consultation portal 	
Other		
<p>The need to update the document to improve presentation and make it easier for members of the public to understand.</p> <p>To raise awareness internally (with Officers and Members) of the requirements set out within the document to ensure they are followed.</p> <p>To ensure compliance with the Council's current consultation policy.</p> <p>To respond to feedback received on current consultation processes.</p>	<p>To cross refer to the new Community Infrastructure Levy (CIL) regime and Neighbourhood Plans, both of which have their own specific consultation requirements.</p>	<p>How informal groups such as the agents forum will be used.</p> <p>Clarification of the role of site notices and the extent of formal neighbour notifications.</p>

Next Steps:

Whilst the current SCI will be used to guide completion of the current Site Allocations DPD process (which is programmed for submission to the Planning Inspectorate in early 2016 for Examination), it is important that the revised document is in place to an updated document in place when we begin work on our new single Local Plan.

Following the close of consultation on the draft document, Officers will consider comments received, discuss any key issues with the Planning and Regeneration Portfolio Holder and/or Chair of Development Control Committee (as appropriate) and make any necessary changes to the SCI. Cabinet will then be asked to recommend adoption of this revised document to Council later in 2016.