



Report Reference Number: C/20/4

To: Council
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Ward(s) Affected: All Wards
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Title: Adoption of the Statement of Community Involvement (2020)

Summary:

The Statement of Community Involvement is the Council's statutory planning document setting out how the Council will meet statutory requirements for engagement and consultation in the Planning System.

The existing Statement of Community Involvement was adopted in December 2007. Since 2007 there have been numerous changes to legislation and guidance. More recently, the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, brought into force on 6 April 2018, formally requires the Statement of Community Involvement to be reviewed at least every five years. An updated Statement of Community Involvement needs to be adopted to ensure that this statutory document remains up to date, relevant and does not leave the Council open to potential financial risks, costs and legal challenges.

On the 7 November 2019 Executive recommended that a draft Statement of Community Involvement (2019) was released for an eight week consultation between 20 November 2019 and 15 January 2020. This report presents the results of the consultation and seeks approval of the necessary changes to the draft document for adoption of a final version.

Recommendation:

That the Council adopt the Statement of Community Involvement (2020) as attached at Appendix 2.

Reasons for Recommendation:

The Council, as the Local Planning Authority, has a statutory duty to have in place a Statement of Community Involvement and for this to be reviewed at least every five years.

Comments received in response to the eight week consultation have been considered and incorporated where appropriate into the revised Statement of Community Involvement attached at Appendix 2.

1. Introduction and Background

- 1.1 The Statement of Community Involvement is the Council's statutory planning document that sets out how the Council will meet the statutory requirements for engagement and consultation in the Planning System.
- 1.2 Since the existing Selby District Council Statement of Community Involvement was adopted in December 2007 there have been numerous changes to legislation and guidance. Most importantly the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 set out a requirement for Statements of Community Involvement to be reviewed every 5 years starting from the date of adoption. An updated Statement of Community Involvement is needed to ensure that:
 - a) This statutory document is appropriate and relevant, and
 - b) The Council is not open to potential financial risks, costs and legal challenges with respect to engagement and consultation in the planning system.

2. Draft Statement of Community Involvement (2019)

- 2.1 A draft Statement of Community Involvement (2019) was prepared to take into account the main changes to legislation and guidance since 2007.
- 2.2 The document set out how those people and organisations with an interest in development in the area can be involved in planning matters in the District of Selby including:
 - how and when there are opportunities to influence new planning policy documents such as the Local Plan and Neighbourhood Plans;
 - how and when to comment on planning applications, as well as other forms of application for development such as Listed Buildings and prior notifications submitted to Selby District Council;
 - the role of elected Councillors, Parish and Town Councils and voluntary and community groups in planning matters;
 - who to contact for assistance in planning matters, and
 - what will be expected of the public / organisations.
- 2.3 The document encouraged an increased use of electronic consultation and engagement with the use of the Planning Service's consultation portals and recognition was made of emerging technologies e.g. social media for announcements. All relevant planning documents and information is to be available on the Council's website and at Access Selby. The use of electronic formatting facilities available in software packages to meet specific visual requirements to aid accessibility was also encouraged.

3 Consultation on the draft Statement of Community Involvement (2019)

- 3.1 The draft Statement of Community Involvement (2019) was presented at the 7 November 2019 Executive meeting where it was recommended that the draft Statement of Community Involvement (2019) was released for consultation.

- 3.2 The draft Statement of Community Involvement (2019) was subject to an eight week round of consultation which closed on 15 January 2020. All those individuals and organisations on the Planning Policy Consultation Database as well as the Parish and Town Councils were informed of the publication of this draft document and the opportunity to provide comments.
- 3.4 The comments received and proposed responses to each comment are set out in Appendix 1 of this report. Six respondents provided 17 comments.
- 3.5 The comments were generally in support of the Statement of Community Involvement, especially of early and meaningful involvement in planning matters. The City of York Council stated that the document was "...clear, logical and concise and easy to read in non-planning jargon. It covers most relevant issues, giving an overview of methods of consultation, set out under logical jargon-free headings." They went on to praise the use of the hyperlinks to other documents and sources of information for the electronic version.
- 3.6 Regarding omissions from the document, both the City of York Council and Historic England suggested that there should be an appendix setting out the statutory consultees as set out in the Regulations. The City of York Council also suggested that the document should contain a glossary and more information regarding Duty to Co-operate.
- 3.7 The Statement of Community Involvement presented in Appendix 2 has been amended to take into account the comments received. Three changes are considered appropriate to satisfy the comments received:
- a new paragraph on Duty to Co-operate after paragraph 1.8 (and subsequent renumbering of section 1.)
 - typographical amendment in paragraph 3.52
 - a glossary as an appendix to the document with text directing the reader to the appendix in paragraph 1.14 (renumbered to 1.15).
- 3.8 Various comments were received where it has been considered not appropriate to amend the Statement of Community Involvement, rather to direct the information to be included within other planning documents as appropriate. It is acknowledged that a list of the consultees for the preparation of the Local Plan as set out in Regulations 2 and 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 is not included in the draft Statement of Community Involvement. This is because a link is provided to the Regulations. The Statement of Community Involvement should not replicate the current Regulations, as the list may be amended in future. Monitoring of the Statement of Community Involvement and changes to legislation are set out. Therefore, no change is proposed with respect to the comments received on this omission.
- 3.9 A minor change to the document has been made with respect to Access Selby. The town centre office is now closed. The reference to Access Selby in paragraph 1.31 has been replaced with the "contact us" email and other

references to Access Selby in the document have been replaced with Civic Centre.

- 3.10 In line with the draft Statement of Community Involvement (2019) itself, the consultation on the document and the responses received have been monitored. Despite the low number of responses, it is considered that the document with the changes made does provide the community with the information to access the planning service.
- 3.11 The Statement of Community Involvement (2020) presented at Appendix 2 has been amended as outlined above and is the version to be considered for adoption.

Implications from Covid 19

- 3.12 In response to the Covid 19 Pandemic on the 16 July 2020 MHCLG published revisions to the Plan Making section of the Planning Practice Guidance. The guidance requires local planning authorities to assess their Statements of Community Involvement to identify which policies are inconsistent with current guidance on staying at home and away from others or any superseding guidance.
- 3.13 The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 make temporary changes to how documents are required to be available under regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”). They temporarily remove the requirement on a local planning authority to make documents available for public inspection at the authority’s principal office and at such other places as the authority considers appropriate. They also make temporary changes to regulation 36 of the 2012 Regulations to remove the requirement on a local planning authority to provide hard copies of documents made available under regulation 35. Documents are still required to be made available on the local planning authority’s website. This modification will apply until 31 December 2020.
- 3.14 The SCI requires that consultation documents will be made publicly available on the Council’s website and the Civic Centre. It is recognised that not everyone has access to the internet and therefore where possible hard copies of consultation documents will also be made available in public locations such as libraries and at the Civic Centre, however this is beyond the minimum requirements set out in the Statement of Community Involvement.

4. Monitoring and Review

- 4.1 The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, says that the Statement of Community Involvement has to be kept under review. The Statement of Community Involvement sets out measures for monitoring and review, as well as for the engagement processes themselves for the planning service. It states that the results of the monitoring of the Statement of Community Involvement and engagements with the Planning Service will be set out in the annual Authority Monitoring Report (AMR).

5. Alternative Options Considered

- 5.1 The 2017 amendments to the planning regulations introduced a statutory requirement for Statements of Community Involvement to be reviewed every five years. Therefore, the review and adoption of this new document is essential.

6. Implications

6.1 Legal Implications

- 6.1.1 The publication of the Statement of Community Involvement is a requirement of s18 of the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017). The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 require Statements of Community Involvement to be reviewed every five years. The Statement of Community Involvement (2020) sets out how the Council will meet the statutory requirements for consultation and engagement in the planning system.

- 6.1.2 To continue using the 2007 Statement of Community Involvement the Council risks being subject to legal challenges for not being in line with current legislation. Conversely, undertaking consultation and engagement in line with the current legislation, the Council also risks being subject to legal challenge for not meeting the adopted Statement of Community Involvement (2007).

6.2 Financial Implications

- 6.2.1 The preparation of the Statement of Community Involvement is covered through the Planning Policy Team budget.

- 6.2.2 To put in place an up to date adopted Statement of Community Involvement will mean that the current financial costs for the planning service are greatly reduced. For example: it is no longer mandatory to notify neighbours of a proposed planning application if a site notice is in place. This small change can mean significant paper, printing and postal savings once a new Statement of Community Involvement is adopted.

- 6.2.3 Similarly, for emerging planning policy documents, the Council will not be bound to unnecessary expenses for consultation and engagement in line with the current Statement of Community Involvement (2007).

6.3 Policy and Risk Implications

- 6.3.1 As set out in the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, the Council will have to publish in its annual Authority Monitoring Report the reasons for continuing to use the Statement of Community Involvement (2007) or the reasons for considering a review.

6.4 Corporate Plan Implications

- 6.4.1 In line with the Corporate Plan (as updated 2018) and the Selby Customer Strategy, the Statement of Community Involvement (2020) demonstrates the

planning service is an open, transparent and accessible service available to everyone.

6.5 Resource Implications

- 6.5.1 The preparation of the Statement of Community Involvement (2020) is covered through the resources of the Planning Policy Team.

6.6 Other Implications

Data Protection

- 6.6.1 The consultation arrangements for the draft Statement of Community Involvement (2019) met the requirements under the General Data Protection Regulations (GDPR).

6.7 Equalities Impact Assessment

- 6.7.1 The Equalities Impact Screening Assessment was completed for the draft Statement of Community Involvement (2019) and accompanied the draft Statement of Community Involvement (2019) for consultation. No comments were received on this document. An Equalities Impact Screening Assessment has been completed for the Statement of Community Involvement (2020) and is attached in Appendix 3 to this report.

7. Conclusion

- 7.1 The Statement of Community Involvement (2020) and the monitoring and review procedures to be put in place meet the current legal and procedural requirements set out for community consultation and engagement for the planning service. The legal, financial and policy implications and risks of not considering a review and replacement to the 2007 Statement of Community Involvement are identified. The Executive have considered this report of the results of the consultation and recommend to Council that the Statement of Community Involvement (2020) is considered for adoption.

8. Background Documents

Selby District Council - Statement of Community Involvement (2007)
Selby District Council – draft Statement of Community Involvement (2019)
Equalities Impact Screening Assessment on the draft Statement of Community Involvement (2019)
Executive Report 7 November 2019

9. Appendices

Appendix 1: Results of consultation on the Draft Statement of Community Involvement (2019)
Appendix 2: Statement of Community Involvement (2020)
Appendix 3: Equalities Impact Screening Assessment (2020)

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