



Report Reference Number: E/19/21

To: Executive
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Status: Key Decision
Ward(s) Affected: All Wards
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Lead Executive Member: Cllr Richard Musgrave, Lead Councillor for Place Shaping
Lead Officer: Dave Caulfield, Director of Economic Regeneration and Place

Title: Consultation on Draft Statement of Community Involvement (2019)

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 will ensure that this statutory document remains up to date and relevant, and does not leave the Council open to potential financial risks, costs and legal challenges.

Recommendations:

That the Executive consider the content of the draft Statement of Community Involvement (2019) and accompanying Equalities Impact Screening Assessment and recommend these draft documents are released for consultation.

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. The 2007 Statement of Community Involvement is out of date and not based on current legislation and best practice in terms of engagement and consultation with the planning system. A revised and updated Statement of Community Involvement is needed to ensure that the Council fulfils the requirements of the relevant planning legislation.

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 remains up to date, 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)

Main Changes to the Statement of Community Involvement

- 2.1 The draft Statement of Community Involvement (2019) does not commit the Council into carrying out any additional consultation and engagement beyond the current legal requirements of planning legislation and regulations.
- 2.2 The draft Statement of Community Involvement (2019) takes into account the changes to legislation including:
 - the encouragement of front-loading engagement and co-operation with the community so that Local Plans reflect a collective vision and agreed set of priorities, as well as setting out the importance of early community engagement before planning applications are submitted, eg through the pre-application process and consultation statements for major development (*The National Planning Policy Framework (NPPF)(2019)*)
 - policies for giving advice or assistance on making and modifying Neighbourhood Development Plans and on making Neighbourhood Development Orders. (*The Neighbourhood Planning Act 2017*)
 - the duty on Local Planning Authorities to review their Statement of Community Involvement every five years (*The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017*).
 - setting out the steps for the production of Local Plans and supplementary planning documents and who is to be included at each consultation and which documents are available at each stage of the process (*The Town and Country Planning (Local Planning) (England) Regulations 2012*)
 - setting out the procedures to be followed when processing planning applications: from receipt of the application to the decision being issued

and recorded (*The Town and Country Planning (Development Management Procedure) (England) Order 2015*)

- having due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, and by encouraging participation in public life or in other activities where the participation by people from protected groups is disproportionately low (*The Public Sector Equalities Duty (section 149 of the Equalities Act 2010)*).

2.3 The draft Statement of Community Involvement (2019) includes a section which states that if legislation alters the participation and engagement requirements for the planning service, any consultation and engagement will be in line with new legislation until the Statement of Community Involvement is revised.

2.4 It sets 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.

2.5 The draft document encourages an increased use of electronic consultation and engagement with the use of the Planning Service's consultation portals and recognition is made of emerging technologies eg social media for announcements. All relevant planning documents and information will 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 is also encouraged.

2.6 The draft Statement of Community Involvement (2019) sets out the various processes to be employed by the planning service from the advertising of opportunities to be involved, to the procedures to be followed when making comments. It will enable communities to see what will be expected of them and what to expect of the Council when engaging with this service.

Monitoring and Review

2.8 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 draft Statement of Community Involvement (2019) sets out measures for the monitoring and review of the document as well as for the engagement processes themselves for the planning service. 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).

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

- 2.9 The draft Statement of Community Involvement (2019) needs to be subject to a round of consultation. Any comments received will need to be considered prior to adoption.
- 2.10 There are no mandatory guidelines in legislation for the format of consultation on a Statement of Community Involvement, but it would be prudent to engage with people in line with consultations for planning policy documents. A six week consultation period is proposed.

3. Alternative Options Considered

- 3.1 The 2017 amendments to the planning regulations introduced a statutory requirement for Statements of Community Involvement to be reviewed every five years. Therefore a review is essential.

4. Implications

4.1 Legal Implications

- 4.1.1 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 sets out how the Council will meet the statutory requirements for consultation and engagement in the planning system.
- 4.1.2 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).

4.2 Financial Implications

- 4.2.1 The preparation of the draft Statement of Community Involvement (2019) and the consultation arrangements are covered through the Planning Policy Team budget.
- 4.2.2 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. 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.

- 4.2.3 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).

4.3 Policy and Risk Implications

- 4.3.1 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.

4.4 Corporate Plan Implications

- 4.4.1 In line with the Corporate Plan (as updated 2018) and the Selby Customer Strategy, the draft Statement of Community Involvement (2019) demonstrates the planning service is an open, transparent and accessible service available to everyone.

4.5 Resource Implications

- 4.5.1 The preparation of the draft Statement of Community Involvement (2019) and the consultation arrangements are covered through the resources of the Planning Policy Team.

4.6 Other Implications

Data Protection

- 4.6.1 The consultation arrangements for the draft Statement of Community Involvement (2019) will meet the requirements under the General Data Protection Regulations (GDPR). The Planning Policy Privacy Notice together with the Corporate Privacy Notice will be drawn to the attention of those submitting comments on the draft document.

4.7 Equalities Impact Assessment

- 4.7.1 An Equalities Impact Screening Assessment has been completed for the draft Statement of Community Involvement (2019). It is attached in Appendix 2 to this report. It will be available for comments alongside the draft Statement of Community Involvement (2019).

5. Conclusion

- 5.1 The draft Statement of Community Involvement (2019) 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 are advised to consider this report and release the draft Statement of Community Involvement (2019) and accompanying Equalities Impact Screening Assessment for consultation.

6. Background Documents

Selby District Council - Statement of Community Involvement (2007)

7. Appendices

Appendix A: Draft Statement of Community Involvement (2019)

Appendix B: Equalities Impact Screening Assessment

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