

CABINET	AGENDA ITEM No. 7
5 November 2012	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Hiller, Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Simon Machen – Head of Planning, Transport and Engineering Services Peter Heath-Brown – Planning Policy Manager	Tel. 01733 453475 01733 863796

PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT

RECOMMENDATIONS	
FROM : Paul Phillipson, Executive Director Operations	Deadline date : November 2012
Cabinet is recommended to adopt the Peterborough Statement of Community Involvement, as attached at Appendix 3, replacing and revoking the current Peterborough Statement of Community Involvement (adopted on 27 February 2008).	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following the approval of a draft version for public consultation (at the Cabinet meeting on 26 March 2012) and following the subsequent public consultation.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is twofold: (a) to recommend the adoption of a final version of the Peterborough Statement of Community Involvement, which takes into account comments made on the draft consultation version; and (b) to revoke the current Peterborough Statement of Community Involvement, which dates from 2008.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4, to promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	5 November 2012
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4. PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT

Introduction

4.1 Planning is a high profile and contentious issue, whether that is plan-making (such as allocating sites for development) or determining planning applications.

4.2 How we plan, and how people can get involved in planning decisions, is also under a period of significant change as a result of the Localism Act 2011.

- 4.3 It is, therefore, essential that the council sets out the 'rules' for all these matters, in order to ensure that:
- the public has full knowledge of the process and know exactly when best to get involved;
 - officers prepare plans and deal with planning applications, in the knowledge that they are being prepared in accordance with Members' wishes with respect to public engagement and consultation; and
 - Members have confidence that a robust and consistent process is in place.

4.4 As such, from time to time, it is important that the council refreshes its consultation framework, and helps people get the most out of the planning system.

4.5 It is a statutory requirement for the council to set out how it will consult the public on planning matters, in a document entitled a '**Statement of Community Involvement**' (SCI). The council adopted its first (and current) SCI in February 2008.

4.6 There have been considerable changes in the past four years, especially since the Localism Act 2011 was given royal assent in November 2011. As a result, Cabinet (in March) approved the draft of a new SCI for the purposes of public consultation.

Principal changes to the SCI since the 2008 version

4.7 Cabinet will recall at the draft SCI stage in March, that some parts of the SCI have simply been updated from the 2008 version, to ensure that changes to secondary legislation and government guidance in the intervening period is properly reflected and any best practice taken advantage of. However, two new significant sections to the SCI have been added relating to a 'Pre-application Advice Note' and 'Neighbourhood Planning'.

4.8 The Localism Act paves the way for much stronger requirements for developers to undertake consultation with communities before submitting a formal planning application to the city council. It also offers the possibility of local planning authorities preparing a local 'advice note' on this matter which a developer should have regard to when undertaking pre-application consultation.

4.9 However, neither of these parts of the Act have been brought into operation to date, and there is no more information on the types of development that might be subject to such a requirement than was available in March. To ensure the city council is well prepared in this regard, we set out in the SCI an 'advice note' but Members should appreciate that it can only offer guidance at present. If the Government subsequently brings these parts of the Act into effect, there will be secondary legislation specifying how the system will operate. The council will be able to revise its advice note at that stage, and the SCI makes this clear.

4.10 A second significant new section in the SCI is entitled 'Neighbourhood Planning in Peterborough'. This section sets out how the council will take forward the wide range of issues which come under the 'Neighbourhood Planning' section of the Localism Act.

4.11 To remind cabinet, 'Neighbourhood Planning' has two principal elements:

- A '**neighbourhood development plan**', which is defined in the Localism Act as 'a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan'.
- A '**neighbourhood development order**', which is defined as 'an order which grants planning permission in relation to a particular neighbourhood area...for development specified in the order, or for development of any class specified in the order'.

4.12 The SCI explains all of the stages involved in the preparation of a plan or order.

Public Consultation on the draft SCI

- 4.13 Following the Cabinet meeting in March, the consultation draft version of the SCI was published on 25 May and there was a six week period in which people could make comments, to 5 July. The document and a supply of leaflets and comments forms were made available at each library in Peterborough and at the Bayard Place Customer Service Centre. The document was published on the consultation portal of our website, where comments could be submitted online. Direct notification was sent to a wide range of individuals and organisations on our consultee database, and officers presented the consultation opportunity to each of the neighbourhood committees.
- 4.14 We received 58 separate comments on the consultation draft version, and these are summarised in Appendix 1. Members can see the comments in full at <http://consult.peterborough.gov.uk/portal/planning/peterborough/sci/s2c> or by arrangement with officers in the Strategic Planning section of the Planning Service.
- 4.15 Changes have been made to the draft version in the light of those comments; and changes have also been made in response to officer-recommended improvements and the introduction of new national regulations and advice. The main changes are itemised in Appendix 2.
- 4.16 The outcome of all of this is a final version of the SCI, attached at Appendix 3, which is now recommended for adoption.

5. CONSULTATION

- 5.1 The draft version of the SCI was considered by Planning and Environmental Protection Committee and by Sustainable Growth Scrutiny Committee on 6 March; and by Scrutiny Commission for Rural Communities on 19 March. Their comments, which were broadly supportive, were reported to and considered by Cabinet at its meeting on 26 March. Although changes have been made as a result of the public consultation, none of these are so fundamental as to require reconsideration by each of those Committees.
- 5.2 Details of the public consultation appear in paragraph 4.13 above.

6 ANTICIPATED OUTCOMES

- 6.1 It is anticipated that Cabinet will adopt the Peterborough Statement of Community Involvement in accordance with section 23(5) of the Planning and Compulsory Purchase Act 2004 and at the same time revoke the existing 2008 document.

7 REASONS FOR RECOMMENDATIONS

- 7.1 It is a statutory duty to prepare an SCI, under section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). While the council already has an SCI in place, it is considered somewhat out of date and in need of a refresh. This will ensure communities are fully aware of how and when best to get involved in planning matters, whether that is plan making, planning applications or neighbourhood planning.

8 ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The council could decide not to adopt a replacement SCI, but this would mean the existing SCI would remain in force which has out of date commitments and expectations and is no longer in accordance with various statutory Regulations.

9 IMPLICATIONS

- 9.1 **Financial:** The only costs arising directly from a decision to adopt the SCI are those of printing a supply of copies and notifying respondents. These are relatively small and can be met from existing revenue budgets. The recommended SCI commits the council to

doing certain things in fulfilling its statutory duties under the Planning Acts. These will be all the usual costs involved (postage, printing, exhibitions, inspector's fees for examinations etc) but these would need to be incurred irrespective of the adoption of the SCI and it does not, in itself, commit any direct expenditure.

9.2 **Legal Implications:** The SCI, once adopted, must be adhered to by the council in the way it conducts its planning business. Failure to do so could result in legal challenges.

9.3 **Environmental:** There are no direct implications

10 **BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

All of the comments submitted on the consultation version of the SCI (available at <http://consult.peterborough.gov.uk/portal/planning/peterborough/sci/s2c>)