

<b>SUSTAINABLE GROWTH AND ENVIRONMENT CAPITAL SCRUTINY COMMITTEE</b>	<b>Agenda Item No. 9</b>
<b>12 NOVEMBER 2015</b>	<b>Public Report</b>

## **Report of the Corporate Director, Growth and Regeneration**

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## **REVISED PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT**

### **1. PURPOSE**

- 1.1 The purpose of this report is to obtain the Committee's views on the revised Statement of Community Involvement (attached) which is being presented to Cabinet on 14 December 2015 for approval. The Committee's views and comments will be taken into account and reported to Cabinet.
- 1.2 If the Statement of Community Involvement is approved by Cabinet, it will come into force with immediate effect (subject to call-in procedures), and will guide the Preliminary Draft Local Plan consultation due to take place in January 2016.

### **2. RECOMMENDATIONS**

- 2.1 The Committee is requested to offer any comments on the draft Statement of Community Involvement, before it is presented to Cabinet on 14 December 2015 for approval and adoption.

### **3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY**

- 3.1 This report links with the sustainable growth priority and the strong and supportive communities priority of the Sustainable Community Strategy.

### **4. BACKGROUND**

- 4.1 Planning is a high profile and often contentious issue, whether that be plan-making or determining applications. It is therefore essential that a local planning authority sets out a clear approach on all planning matters.
- 4.2 It is also a statutory requirement (see Section 18 of the Planning And Compulsory Purchase Act 2004 (as amended)) for the council to set out how it will consult the public on planning matters, in a document entitled 'Statement of Community Involvement' (SCI).
- 4.3 Therefore, a SCI seeks to ensure that:
  - The public has full and up to date knowledge of the planning process and knows exactly how and when 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, fair and consistent process is in place.
- 4.4 The council's current SCI was adopted on 5 November 2012. It is now important to prepare a new SCI because of :
  - a) A number of legislative and policy changes nationally; and

b) The commencement of a new Local Plan.

The legislation and national guidance governing SCI has been dramatically reduced over the years (the early ones had to go through formal consultation, examination and Inspectors Reports, etc). In short, a local planning authority can update and adopt an SCI as and when it sees fit.

- 4.5 However, the important point to remember is that once adopted, the local planning authority must follow what it says in the SCI. If it did not do so (whether that be for plan making or determining planning applications), it would be open to legal challenge. It is essential, therefore, that we get it right, neither committing ourselves to too much (and not being able to meet such commitments) or too little (and not meet Member/ public expectations of involvement).
- 4.6 The starting point for the commitments to be made in a SCI is the minimum legal requirements for consultation, as set out in various Acts and Regulations. Thereafter, local planning authorities have the freedom to set whatever commitments it likes in terms of going beyond the legal minimum.
- 4.7 However, it is recommended by officers to keep the refreshed SCI as simple as possible by:
- Committing ourselves legally via the SCI to undertake broadly the legal requirements as set by legislation for plan making and planning applications, but highlighting that the Council may go beyond such minimum commitments during the process of preparing a plan or when consulting on a planning application. This way the commitments made serve as a 'floor' as to the extent of the consultation, rather than a 'ceiling';
  - Not consult on a draft SCI, but instead adopt it and refresh it again whenever it is seen appropriate to do so.
- 4.8 By following the above approach the Council will have the benefit of:
- Minimising the risk of legal challenge on plan making and planning applications;
  - Minimising resources spent on preparing the SCI, enabling the team to focus on plan making; and
  - Enable the flexibility for the Council to go beyond the commitments set out in the SCI for any particular type, scale or location of planning applications.

## 5. KEY ISSUES

- 5.1 Subject to Cabinet approval and adoption on 14 December 2015, the revised SCI will provide the commitments by which consultation on planning matters will be undertaken.
- 5.2 It should be noted, however, that if members seek to reduce the commitments set out in the SCI as presented, then there is a significant risk that such a reduction would push our commitments below the minimum legal requirements. This, of course, will need to be avoided. Officers will be able to advise on such matters if need be.
- 5.3 Should Members wish to commit to greater consultation than set out in the attached SCI, there is the freedom to do so, though of course, Members should be mindful of the commentary set out in this report.

## 6. IMPLICATIONS

- 6.1 **Financial:** Preparation of an SCI has minimal costs, and can be met within existing budgets. Indirectly, the SCI commits the council to undertaking certain consultation tasks in the future. Most of these are very low cost and fall within existing established budgets. However, the Neighbourhood Planning requirements that were introduced in 2012 will result in additional costs. The statutory duty to support and facilitate neighbourhood planning and the 'service standards' set out in the SCI do not significantly increase our financial expenditure requirements compared with the statutory minimum service we must provide.

6.2 It should be noted that, as with the previous adopted SCI, this revised SCI limits the council's assistance on each proposed plan or order, and sets out that assistance will be given on a first come first served basis. This will ensure that a robust, fair and financially prudent process is in place to deal with Neighbourhood Planning. To not set such limits could result in unlimited neighbourhood planning matters being fed through the council, each one with associated costs which the council would be obliged to meet resulting in an unlimited financial liability for the council.

6.3 **Legal:** 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. However, Members are being asked to comment on a draft, so there is no direct legal implications of this report.

6.4 **Environmental:** There are no direct implications.

## 7. CONSULTATION

7.1 There is no requirement to undertake consultation on the draft SCI prior to adoption.

## 8. NEXT STEPS

8.1 Following consideration by the Committee, the draft Statement of Community Involvement will be presented to Cabinet on 14 December 2015 for approval and adoption.

## 9. BACKGROUND DOCUMENTS

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

9.1 None

## 10. APPENDICES

10.1 Appendix 1 - The draft Statement of Community Involvement.

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