

CABINET	AGENDA ITEM No. 8
7 DECEMBER 2015	PUBLIC REPORT

Cabinet Member responsible:	Cllr Peter Hiller Cabinet Member for Growth, Planning, Housing and Economic Development	
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PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

R E C O M M E N D A T I O N S	
FROM : Simon Machen Corporate Director of Growth and Regeneration	Deadline date : 7 December 2015
That Cabinet Adopts the Statement of Community Involvement.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following the approval of the council's Local Development Scheme (LDS) by Cabinet in July 2015, which identifies that the council will prepare a new Local Plan by 2018.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is for Cabinet to approve the Statement of Community Involvement (SCI). If the SCI 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, and future consultation rounds. It also informs how we will consult on planning applications.
- 2.2 The recommended SCI can be viewed at Appendix 1.
- 2.3 This report is for Cabinet to consider under its terms of reference No. 3.2.1 'to take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services'.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	7 December 2015
Date for relevant Council meeting	N/A	Date for submission to Government Dept	N/A

4. PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT

Introduction

- 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).

Therefore, a SCI seeks to ensure that:

- The public has full and up to date knowledge of the planning process and know 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.

4.3 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.

4.4 The legislation and national guidance governing SCI's has been dramatically reduced over the years (the early ones had to go through formal consultation, examination and Inspector's 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 they like 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. CONSULTATION

- 5.1 There is no requirement to undertake consultation on the draft SCI prior to adoption.
- 5.2 The SCI was presented to Planning Committee on 10 November 2015 and Sustainable Growth and Environment Capital Scrutiny Committee on 12 November 2015. Following discussions at both meetings, the draft SCI was supported by both Committees with no changes recommended to be made.

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that Cabinet adopts the SCI and, subject to call-in procedures, brings it into immediate effect.

7. REASONS FOR RECOMMENDATIONS

- 7.1 Cabinet is asked to adopt the SCI so that up to date public consultation arrangements are in place for planning related matters.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The option of not updating the SCI was rejected, as this would mean that the new Local Plan consultation would be based on out dated requirements, and other elements of the current SCI do not accurately reflect legislation.

9. IMPLICATIONS

- 9.1 **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 low cost and fall within existing established budgets.
- 9.3 **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.
- 9.4 **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)

None

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