

GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY COMMITTEE	AGENDA ITEM No. 7
4 JULY 2018	PUBLIC REPORT

Report of:	Annette Joyce - Service Director – Environment and Economy Growth and Regeneration	
Cabinet Member(s) responsible:	Cllr Peter Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
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PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

RECOMMENDATIONS	
FROM: Director of Growth and Regeneration	Deadline date: Cabinet - 16 July 2018
<p>It is recommended that :</p> <ol style="list-style-type: none"> 1. The Growth, Environment and Resources Scrutiny Committee endorse the Statement of Community Involvement (SCI) as attached at Appendix A, and recommend that Cabinet adopts it. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Growth, Environment and Resources Scrutiny Committee prior to it being referred to Cabinet for a decision.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to seek any comments on the attached draft Statement of Community Involvement (SCI) prior to it being considered by Cabinet for adoption.
- 2.2 This report is for the Growth, Environment and Resources Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph No. 4.5 Functions determined by Council :

Environmental Capital; and Economic Development and Regeneration including Strategic Housing and Strategic Planning.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	Major Policy Item - NO	If yes, date for Cabinet meeting	16 July 2018
	Statutory Plan - YES		

4. BACKGROUND AND KEY ISSUES

- 4.1 It is 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 'Statement of Community Involvement' (SCI). An SCI explains to the public how the council will involve the public in planning matters. An SCI needs to set out the standards to be met by the council in terms of community involvement, building upon the minimum requirements set out in legislation. The SCI itself, attached at Appendix A, contains more details on the purpose of an SCI.
- 4.2 The current SCI was adopted on 7 December 2015, it, therefore, is now in need of a review and update, especially following two recent legislative updates.
- 4.3 First, Section 6 of the Neighbourhood Planning Act 2017 amended Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) by inserting a subsection (2B), which states that a "*statement of community involvement must set out the local planning authority's policies for giving advice or assistance*" in relation to Neighbourhood Planning. This requirement comes into force on 31 July 2018, by virtue of the Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018.
- 4.4 Second, Section 12 of the Neighbourhood Planning Act 2017 also amended section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) by inserting a subsection (6A), which enables the Secretary of State to require a local planning authority to review a local development document at such times as may be prescribed. If he does prescribe as such, the newly inserted subsection (6B) states that a local planning authority, when reviewing such a prescribed local development document, "*must consider whether to revise the document following each review, and if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.*"
- 4.5 The above subsection (6B) was followed up by Regulation 4 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 which inserted a new Regulation 10A into the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.6 Regulation 10A (which came into force on 6 April 2018) requires, inter alia, a local planning authority to review an SCI "*every five years, starting from the date of adoption of the statement of community involvement*". As subsection (6B) explains above, whilst such a review does not necessarily mean 'amend and adopt' every five years (it could mean 'review, but decide it remains fit for purpose'), the general government expectation is that the SCI is refreshed and adopted every five years.
- 4.7 For Peterborough, the last SCI was adopted in December 2015. As such, whilst a 'review' is not strictly necessary until December 2020 (at the latest), an early review now is deemed appropriate and sensible, following the above legislative changes. That legally required 'review' has been undertaken by officers, and for reasons set out below, a refreshed SCI (as attached) is recommended to be adopted. If Cabinet decide not to revise and adopt the SCI, it would be helpful if, by virtue of subsection (6B) referred above, it published its reasons for considering no revision is necessary (though this is not strictly necessary until December 2020).
- 4.8 As described above, there is a legal requirement to review the SCI every five years (minimum). Officers have undertaken a review, and are recommending that a revised SCI be prepared and adopted. The reasoning why a revised SCI is necessary is because:

- (a) numerous legislative changes since the last SCI was adopted in 2015, which means the present SCI is somewhat out of date;
- (b) upcoming legislative requirement, from 31 July 2018, requires an SCI to include neighbourhood planning advice. Whilst the present 2015 SCI includes some advice on neighbourhood planning, it again is dated and in need of a refresh.

4.9 The review of the current SCI has also provided a timely opportunity to reconsider the consultation commitments included within the 2015 version. It is important to remember that once adopted, the local planning authority must follow what it says in its SCI. If it did not do so (whether that be for plan making, determining planning applications or neighbourhood planning matters), it would be open to legal challenge. It is essential, therefore, that we get it right, neither committing ourselves to doing too much (and not being able to meet such commitments) or too little (and not meet Member / public expectations of involvement).

4.10 Subject to any views of this Committee, if Cabinet are supportive of the attached SCI, then it is free to adopt it and it will come into force with immediate effect (subject to any call-in). There are no further regulatory stages (such as public consultation or independent examination) required.

5. CONSULTATION

5.1 No public consultation has been taken on this refresh. The purpose of the document is primarily about how the council will consult on other documents it produces, or planning applications it will consider. Public consultation on the SCI itself is not deemed necessary or a resource efficient task to undertake. However, Planning and Environmental Protection Committee are also being consulted (3 July 2018), prior to Cabinet consideration.

5.2 However, there is nothing to prevent public consultation on the SCI taking place, if Cabinet consider it appropriate to do so, prior to it being adopted. This is not, however, recommended.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 That the Committee will endorse the attached refreshed SCI, and recommend Cabinet adopts it. If the Committee wishes to seek amendments to it, such suggested amendments will be reported to Cabinet

7. REASON FOR THE RECOMMENDATION

7.1 In order for Cabinet to be informed of Growth, Environment and Resources Scrutiny Committee's views on the emerging refreshed SCI.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 To not refresh the SCI. This option was rejected because of the significant legislative changes in recent years meaning the present SCI is somewhat dated. Undertaking the refresh has been a low cost task, particularly as the refresh has been drafted alongside a refresh of the Fenland and East Cambridgeshire SCIs (refreshes for which PCC has been contracted to undertake for those two authorities).

8.2 Significantly greater community consultation commitments. This option was rejected, because if additional commitments are made, then the council legally must fulfil such commitments. As such, any additional commitments would require additional funding to be in place (staff or financial) to enable such commitments to be fulfilled. In the current financial climate, it is not considered prudent to commit to more extensive community consultation.

9. IMPLICATIONS

Financial Implications

9.1 Directly, Nil.

- 9.2 Indirectly, the SCI commits the council to undertake various consultation tasks, which, of course, would require some finance to pay for it.
- 9.3 However, the 'commitments' are almost entirely limited to our statutory obligations (and therefore cannot be avoided, and budgets are in place already). Where the 'commitments' in the SCI go beyond the minimum legislative requirements, they are of a limited nature, and primarily associated with officer time (eg a certain number of days support to a parish council preparing a neighbourhood plan). Such officer time (and any other costs committed to in the SCI) can be accommodated for via existing budgets and via New Burdens Neighbourhood Planning Funding Grants from CLG for this purpose.
- 9.4 As such, adopting the SCI will require no new funding to be secured (but no financial saving, either).

Legal Implications

- 9.5 See Background and Key Issues Section

Equalities Implications

- 9.6 The SCI applies to all development proposals and all people who engage in the planning system. It does not single out any particular group or sector for any more or less favourable treatment.
- As such, there are no equalities implications, either positive or negative.

10. BACKGROUND DOCUMENTS

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

- 10.1 Peterborough SCI, adopted at Full Council 7 December 2015

11. APPENDICES

- 11.1 Appendix 1 - proposed Statement of Community Involvement, July 2018