

<b>CABINET</b>	<b>AGENDA ITEM No. 5</b>
<b>15 NOVEMBER 2021</b>	<b>PUBLIC REPORT</b>

Report of:	Steve Cox, Executive Director Place and Economy	
Cabinet Member(s) responsible:	Cllr Peter Hiller	
Contact Officer(s):	Richard Kay ( <a href="mailto:richard.kay@peterborough.gov.uk">richard.kay@peterborough.gov.uk</a> )  Emma Naylor ( <a href="mailto:emma.naylor@peterborough.gov.uk">emma.naylor@peterborough.gov.uk</a> )	Tel. 07920160249  Tel. 01733 863881 (working days are Tue, Wed and Fri)

## STATEMENT OF COMMUNITY INVOLVEMENT REVIEW AND UPDATE

RECOMMENDATIONS	
<b>FROM:</b> Steve Cox, Director of Place and Economy	<b>Deadline date:</b> Cabinet meeting, 15 November 2021
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>Approve the updated Statement of Community Involvement (SCI) for formal adoption.</li> </ol>	

### 1. ORIGIN OF REPORT

- This report has been prepared by the Sustainable Growth Strategy Team and approved by Director Steve Cox, as part of the formal process towards adopting an updated Statement of Community Involvement (SCI). A draft of the updated SCI was presented at Planning and Environment (PEP) Committee meeting on 19 October 2021 and is now presented to Cabinet for formal adoption.

### 2. PURPOSE AND REASON FOR REPORT

- It is a legal requirement for the council to both have an SCI (2004 Act) and to update it at least once every five years (2004 Act and 2017 Regulations). Further details on these legal requirements are set out in the report. It is also good practice to regularly monitor and keep up to date an SCI, to ensure it remains effective.
- 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. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>Statutory Plan</b>	If yes, date for Cabinet meeting	<b>15 November 2021</b>
---	-----------------------	----------------------------------	-------------------------

#### 4. BACKGROUND AND KEY ISSUES

- 4.1 The Planning and Compulsory Purchase Act 2004 (2004 Act) requires that local planning authorities prepare a Statement of Community Involvement (see section 18 (1)).
- 4.2 The 2004 Act defines a statement of community involvement as ‘*a statement of the authority’s policy as to the involvement in the exercise of the authority’s functions*’ under defined sections of the 2004 Act and the Town and Country Planning Act 1990 (Section 18(2)). Put more simply, an SCI sets out how a local planning authority (Peterborough City Council in this case) will consult the public on planning matters, both in terms of policy making and development management, and how the local planning authority will assist any neighbourhood planning body in its area (which in the vast majority of instances is a parish council preparing a Neighbourhood Plan).
- 4.3 The Town and Country Planning (Local Planning (England) Regulations 2012 (*as amended by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017*) requires each local planning authority to review their SCI every 5 years, as a minimum (Regulation 10A(b)).
- 4.4 A key element to note is that whatever commitments are made in an SCI (i.e. the level of consultation or assistance the council will undertake), then we must legally meet such commitments. Commitments must therefore be realistic and affordable.
- 4.5 Peterborough City Council adopted its current SCI on 16 July 2018. Whilst legally we still have over a year before we must adopt a new version, officers believe adopting an update now is worthwhile to address a few limited, but important, issues and in order to ensure our consultation and support commitments are:
- effective and reasonable
  - affordable
  - take opportunities to reduce PCC’s carbon emissions (‘carbon footprint’)
- 4.6 On the whole, the updated SCI is based on the 2018 version, with some adjustments made. It is not a fundamental re-write of commitments.
- 4.7 The SCI sets a minimum level of consultation and support that will be undertaken by the council in relation to planning applications, local planning documents and neighbourhood plans. However, this is not a cap or ceiling – the council may go above and beyond this, where:
- exceptional circumstances exist; or
  - extra consultation would provide notable benefit and can be delivered without incurring major cost, in terms of both financial costs and staff resourcing, to the council.
- 4.8 It is fair to say that many of the commitments are in fact set as a floor, in that we could not reduce them further because other Acts or Regulations stipulate a basic minimum level of consultation and support i.e. the SCI has no power to do less than what an Act or Regulation requires.
- 4.9 As stated above, the commitments set out in the SCI are binding on the council; the council cannot do anything less than what is set out in the SCI in relation to consulting on a planning application, local plan or neighbourhood plan in question. If Cabinet wish to see the SCI commit to greater consultation or support, then Cabinet could do so, but it must be mindful of the resources required to meet those commitments. An SCI is not the place to state service levels the council aspires to; it is, instead, the place to state the minimum service it will provide.

4.10 The recommended revised SCI is largely the same as the current SCI, and is attached at Appendix 1 with track changes identifying the changes. The main modifications proposed are, in summary:

1. Removal of the option to submit comments on planning applications via fax (the council no longer has the technology to support this).
2. Changes to and clarification on how PCC will consult on amended planning applications (page 4).
3. In relation to the assistance PCC can provide to neighbourhood planning groups when they draft their neighbourhood plan, this has been amended from ‘...may be capped at four officer working days...’ to ‘...may be limited depending on staff resources at the time of enquiry...’ (page 15). The reason for this change is that it is hard to monitor staff time spent at this stage, and input from PCC staff at this stage can be valuable and prevent problems arising at a later stage, so in some instances it may be appropriate to exceed 4 days of staff time, because in the longer run this will save council time and resource. It is important to emphasise, however, that staff input may be limited depending on staff resource: resources may be limited if the team are committed to other significant projects or have deadline commitments. In such instances, the neighbourhood planning group could proceed without PCC advice / with minimal PCC advice, or wait until staff have the capacity to provide a more detailed response to queries.
4. The number of hard copies of a draft neighbourhood plan PCC will print at the ‘regulation 14’ consultation stage is reduced from 20 copies to 5 (page 15). The reasons for this are to reduce printing and thus carbon emissions and printing costs. It is worth noting that no parish council to date has requested the current 20 copy limit.
5. Removal of the 4 working days cap previously placed on council officer assistance to neighbourhood planning groups following the ‘regulation 14’ consultation’ (page 18) (due to reasons outlined at ‘3’ above).
6. Removal of commitment to place a hard copy of a neighbourhood plan at a ‘parish council location’ during regulation 16 consultation (page 18). Some parish councils do not have a suitable location, and some locations are not widely accessible, or open to the public regularly. Removing this commitment from the SCI does not mean that the council cannot place hard copies at parish council locations (the council can go above the commitments set out in the SCI), but it removes the challenge of finding a suitable location where there are limited or no options.
7. Removal of commitment to ‘consider helping with any additional minor costs, such as printing posters or leaflets’ (page 18): this is removed in light of the council’s current financial challenges, in order to reduce printing costs and reduce staff costs associated with resourcing such commitment. Furthermore, the council has not had any such requests recently, so removing this is not likely to be of much, if any, impact; and, on an exceptional basis we could still provide such service if it was clear a Neighbourhood Planning body were in need of such help and had no other means of achieving it.
8. The number of hard copies of a referendum version of a neighbourhood plan the council will print is reduced from 20 copies to 10 (page 19). The reasoning for this is as per point ‘4’ above: the figure is 10 as opposed to 5 given the significance of the referendum stage.

Overall, we think these updates are fair and reasonable, and have limited (if any) impact on our customers (whether that be the general public, wider consultees or parish councils / neighbourhood planning bodies).

4.11 At its meeting on 19 October 2021, PEP Committee endorsed the updated SCI, making only two minor suggestions for amendments. The suggested amendments were:

- 1) that reference to 'district councillor' should be corrected to 'ward councillor' (last paragraph, page 4 of the 'tracked changes' draft of the SCI)
- 2) That the text relating to initial neighbourhood planning meetings (page 15 of 'tracked changes' SCI) should also reference the option of virtual meetings.

Officers agree with these suggestions and have incorporated them into the SCI presented at Appendix 1.

## **5. CONSULTATION**

5.1 The SCI update has been produced following liaison with the Development Management team who deal with planning applications on a daily basis. Colleagues with the Housing and Strategic Planning Team (whom are responsible for plan making and assisting on neighbourhood planning) have reviewed the document as a whole. As referred above PEP Committee have also been consulted. There has been no external consultation, and there is no legal requirement to do so.

5.2 Public consultation on a draft updated SCI could be undertaken, but this would take time and resource, and the expectation of very little, if any, contributions received (it is worth noting that historically (around 10 years or so ago) the council did consult on draft SCIs, but received nil, or very inconsequential, comments).

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 It is anticipated Cabinet will adopt the revised SCI.

The updated SCI will dictate how, as a minimum, the council will consult on planning applications, local plans, and neighbourhood plans.

## **7. REASON FOR THE RECOMMENDATION**

7.1 PCC are required, by regulations, to review their SCI every 5 years. With the current SCI around 3.5 years old, and a few elements of it in need of updating, it is timely to adopt a refreshed SCI.

Adoption of the SCI will ensure PCC continues to satisfy the regulations regarding SCIs, and continue to offer a sustainable planning consultation and support services to all our customers.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 The alternative option considered was to not review the SCI at this time, and instead wait until late 2022 / early 2023 to commence the review, yet remain within the 5 year timeframe required by the 2004 Act.

This option was discounted for a number of reasons:

- At present, PCC is not preparing a Local Plan for Peterborough, therefore the team had some limited capacity to commence the SCI review at this time.
- There is opportunity to make some limited cost savings, which is important considering the council's current financial situation.
- There is opportunity to make some carbon savings, which is important given the council's climate emergency declaration.
- Some minor elements of the SCI are currently unable to be implemented (eg fax service) so valuable to remove such commitments as soon as possible.

No other alternative options were considered.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 There is no direct financial implications arising, other than potential very small cash savings arising from the slightly lower commitments set out in the SCI. No changes are proposed which increase our commitments / costs.

There are of course financial implications arising as planning applications are received by the council, when the council prepares a new Local Plan, and when neighbourhood plans reach the various stages of the formal neighbourhood planning process. However such costs are factored into the budgets of fulfilling those tasks, and this SCI is not increasing any such financial burden.

### **Legal Implications**

- 9.2 This review and subsequent update of the SCI means that PCC is in accordance with section 18(1) of the Planning and Compulsory Purchase Act 2004, which requires that local planning authorities prepare a statement of community involvement.

It also ensures compliance with regulation 10A(b) of The Town and Country Planning (Local Planning (England) Regulations 2012 (*as amended by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017*) which requires each local planning authority to review their SCI every 5 years, from the date of adoption.

Once adopted, the council must follow through on its commitments within the SCI.

### **Equalities Implications**

- 9.3 There are no specific equalities implications.

### **Rural Implications**

- 9.4 No direct rural implications: the requirements set out in the SCI apply to the whole Peterborough unitary authority area. The SCI does not set out specific consultation commitments for rural areas.

### **Carbon Impact Assessment**

- 9.5 The adoption of the revised Statement of Community Involvement is likely to have mostly neutral impacts in relation to the climate and carbon emissions.

There is potential for positive impact in relation to carbon emissions from reduced printing commitments in terms of neighbourhood plans, however the impact is uncertain due to several variables being unknown at this stage and in any event is likely to be minor.

There is also potential for negative carbon impacts due to potential increased travel owing to the new requirement to display amended site notices in the case of amended planning applications: again, the impact is likely to be minor, and is uncertain.

## **10. BACKGROUND DOCUMENTS**

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

- 10.1 No background documents.

## **11. APPENDICES**

