

BRECKLAND DISTRICT COUNCIL

Report of the Executive Member for Assets and Strategic Planning and Executive Member for Planning & Environmental Services

To: Cabinet 26th March 2013

(Author: Natalie Beal – Planning Policy Officer (Capita Symonds))

Subject: Review of the Breckland Statement of Community Involvement

Purpose: The purpose of this report is for Members to consider and agree a revised Statement of Community Involvement and approve it for public consultation.

Recommendation(s):

It is recommended that:

- Cabinet approves the content of the Statement of Community Involvement
- Cabinet approves public consultation between 2nd April and 3rd May 2013

1. BACKGROUND

- 1.1 The Statement of Community Involvement (SCI) is a Council policy setting out how the community will be involved in the production of planning policy documents and determination of planning applications.
- 1.2 An SCI is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended). Section 18 of this Act states
(1): The local planning authority must prepare a statement of community involvement.
(2): The statement of community involvement is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under sections 19, 26 and 28 of this Act and Part 3 of the principal Act of persons who appear to the authority to have an interest in matters relating to development in their area.
- 1.3 Breckland Council's current SCI was adopted in 2006. Since then planning regulations have changed (over the past 2 or 3 years) and other ways of involving the public have emerged and become acceptable, for example e-mails and Social Media.
- 1.4 The 2013 update to the SCI reflects current planning regulations and has been produced following extensive research into SCIs which were recently adopted by Local Authorities elsewhere in England, and the Council's existing consultation practices.
- 1.5 The current regulations do not require the SCI to be consulted on and the requirement for Examination in Public (EiP) of the SCI is also removed. It is proposed however to consult on the SCI for a period of just under 5 weeks, in order to gauge the views of the public and stakeholders about how they will be involved in shaping both planning policy and development management decisions in the District.
- 1.6 It is important for Members to note that the SCI represents the minimum level of consultation that the Council will carry out, and once adopted, the Council must follow the requirements set out in the SCI.

2. KEY UPDATES IN THE REVISED SCI

- 2.1 The following are some changes made to the SCI in this latest version:
- i The Community Infrastructure Levy is included (page 6);
 - ii There is an emphasis on electronic communication through email and the on-line consultation portal with the potential for use of social media such as Twitter (page 8);
 - iii The Duty to Cooperate is a new requirement of the Localism Act and features in the SCI (page 7);
 - iv Neighbourhood Planning, another element of the Localism Act, is discussed at Section 5, page 18; and
 - v New consultation bodies are added, such as the Local Enterprise Partnership (New Anglia) in Appendix A, page 23.

3. OPTIONS

- 3.1 Regarding the SCI itself, the options are:
- i Cabinet approves the content of the SCI for consultation between 2nd April and 3rd May 2013
 - ii Cabinet approves the SCI but considers it should not be consulted on and should move to adoption at next available full Council meeting (23rd May 2013)
 - iii Cabinet approves the SCI but requests a longer consultation period.
 - iv Cabinet does not approve the content of the SCI and requests further amendments and reconsideration

4. REASONS FOR RECOMMENDATION

- 4.1 Cabinet is recommended to approve Option i above. The SCI meets the requirements of the regulations, and reflects existing practices as well as setting out clearly how the Council will engage with communities and stakeholders on development management decisions and planning policy. The SCI is set out in a logical manner, with the use of plain English to make it accessible.
- 4.2 Whilst the legal requirement to consult on the SCI has been removed from planning regulations, the community could welcome the opportunity to have a say on how they will be involved in the future. A consultation period of just under 5 weeks is proposed and the programme will see a timely adoption of the SCI in July.
- 4.3 Should Members approve one of the alternative options above, this would result in the need for an alternative timetable to be prepared.

5. EXPECTED BENEFITS

- 5.1 The benefits of consulting on the SCI will be to allow the community to have a say on how they will be consulted in future. Amendments to the SCI could be suggested which could lead to an improved SCI.

6. IMPLICATIONS

6.1 Legal

There are no direct legal risks resulting from the contents of this report; however, Local Planning documents need to be prepared in accordance with relevant Local Planning Regulations and Acts of Parliament, having regard to relevant considerations and case-law.

Failure to meet the requirements of its own SCI could have indirect risks through legal challenges to planning decisions or policy documents.

6.2 **Risks**

There are two potential risks for the Council to consider in considering the production of the SCI.

- i Cabinet does not approve the SCI for consultation. The timeline will need to be amended in order to re-draft the SCI.
- ii Objections are received during the consultation. The SCI sets out how Breckland will involve the community. Suggestions may be received to improve the SCI, which will be considered. In the event of any objections being received, these will be considered and responded to, explaining reasons for the decision.

6.3 **Financial**

There are no direct financial implications as a result of this report. However, there are indirect costs in relation to the SCI surrounding engagement methods such as summary leaflets delivered to households, adverts in local press, venue hire and the production of information boards will have a cost associated with them. Costs will reflect the approach the Council decides to take at each consultation stage.

6.4 **Timescales**

The timescale for the production of the SCI is included in Appendix A.

6.5 **Equality and Diversity**

The Statement of Community Involvement identifies 'hard to engage groups' and states how the Council will seek to engage. It is usual practice to include a statement on the consultation document saying that large print, Braille or translated versions are available on request. There are deemed to be no other equality and diversity issues as consultations will be widely promoted to ensure all the community have the ability to take part.

6.6 **Stakeholders / Consultation**

The report seeks approval from Cabinet to undertake a period of consultation on the Statement of Community Involvement.

6.7 **Contracts**

None.

6.8 **Section 17, Crime and Disorder Act 1998**

None.

7. **WARDS/COMMUNITIES AFFECTED**

- 7.1 This report will affect all Wards in Breckland as community involvement in Planning Policy and Development Management is district-wide.

Background papers:-

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Key Decision – Yes

Appendices attached to this report:

Appendix A: The timeline for the production of the SCI

Appendix B: The Draft Breckland Statement of Community Involvement 2013

Appendix A

The proposed timeline for the production of the SCI and specific actions are as follows (red indicates completed stages):

Action	Date
Plain English check	31 st January
Deadline for comments	4 th February
Draft SCI to client for comment	5 th February
Deadline for comments	12 th February
To CMT	13 th February
CMT meeting	25 th February
To Exec Board and Local Plan Working Group	28 th February
Exec Board meeting	4 th March
Local Plan Working Group Meeting	6 th March
To Cabinet	13 th March
Cabinet meeting	26 th March
Public consultation start	2 nd April
Public consultation end	3 rd May
Read comments, respond, improve SCI	Throughout consultation
Plain English check	6 th May
Deadline for comments	8 th May
Draft Final SCI to client	8 th May
Deadline for comment	14 th May
To CMT	15 th May
CMT meeting	20 th May
To Exec Board	6 th June
Exec Board meeting	10 th June
To Cabinet	Late? 10 th June
Cabinet meeting	18 th June
To Full council for adoption	18 th June
Full Council meeting	4 th July
On website	4 th July