

## BRECKLAND DISTRICT COUNCIL

**Report of Mark Kiddle-Morris, the Executive Member for Assets and Strategic Development and Elizabeth Gould, the Executive Member for Planning & Environmental Services**

**To: Cabinet 18<sup>th</sup> June 2013**

**(Author: Jamie Smith – Environmental Planning Officer (Capita Symonds))**

**Subject: Revised Breckland Statement of Community Involvement 2013**

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

### **Recommendation(s):**

It is recommended that Cabinet endorse Option 1 and approves the Statement of Community Involvement (2013) including changes made as a result of the public consultation as a Council document. This will replace the current SCI (2006) which will then be defunct.

### **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 in the determination of planning applications.
- 1.2 The production of an SCI is a requirement of the Planning and Compulsory Purchase Act 2004 (as amended). Section 18 of the 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 (particularly over the past 2 or 3 years) and other ways of involving the public have emerged and become accepted, for example emails and social media. This resulted in the need to amend the SCI at this time.
- 1.4 In light of the above, the 2013 update to the SCI reflects current planning regulations and has been produced following extensive research into SCI's 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 subject to consultation and the requirement for Examination in Public (EiP) of the SCI is also removed. However, Full Council agreed on the 26th of March 2013 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 of the key 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 has now been reflected 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) and the Local Nature Partnership (Wild Anglia) in Appendix A, page 23.

## **3. Key Outcomes of the Consultation**

- 3.1 The consultation of the SCI was undertaken between 2<sup>nd</sup> April and 3<sup>rd</sup> May 2013 and resulted in a total of 11 responses. Overall, the responses did not raise any substantive issues and are summarised as follows:

- Confirmation from statutory consultees and adjacent Local Authorities (Highways Agency, Norfolk County Council, English Heritage and the Broads Authority) that these organisations made 'no comment' on the revised SCI.
- Confirmation from statutory consultees who endorse consultations from the Council on Local Plan Documents and Planning Applications. These comments were provided by Anglian Water and Natural England.
- Resident observations for increased methods of consultation and engagement with local communities including young people.
- Minor grammatical errors.

The Breckland Statement of Community Involvement (2013) with changes arising from consultation identified in red for amending and red 'strike through' for deletion is provided at Appendix B of this document. This is complimented by a table of all comments made on the SCI including an officer response at Appendix C.

## **4 OPTIONS**

- 4.1 There are three options available to Council as follows:
1. Council approves the SCI at Appendix B including the changes made as a result of the consultation.
  2. Council approves the SCI at Appendix B including the changes made as a result of the consultation and any additional changes from Council.
  3. Council does not approve the SCI at Appendix B and requests further amendments and reconsideration.

## **5. REASONS FOR RECOMMENDATION**

- 5.1 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.

- 5.2 Should Members approve one of the alternative options above, this would result in the need for an alternative timetable for the adoption of the document.

## **6. EXPECTED BENEFITS**

- 6.1 The benefits of consulting on the SCI have allowed the community and statutory bodies to have a say on how they will be consulted in future.

## **7. IMPLICATIONS**

### **7.1 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.

### **7.2 Risks**

7.2.1 There only risk for the Council to consider is whether Cabinet does not approve the SCI which would result in the need for the document to be amended in order to re-draft the SCI.

### **7.3 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.

### **7.4 Timescales**

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

### **7.5 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.

### **7.5 Stakeholders / Consultation**

The report seeks approval from Cabinet to endorse the Statement of Community Involvement.

### **7.6 Contracts**

None.

### **7.7 Section 17, Crime and Disorder Act 1998**

None.

## **8. WARDS/COMMUNITIES AFFECTED**

8.1 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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### **Director/Officer who will be attending the Meeting**

Name/Post:

Jamie Smith (Environmental Planning Officer – Capita Symonds)

Phil Mileham (Planning Policy Team Leader – Capita Symonds)

### **Key Decision – Yes**

#### **Appendices attached to this report:**

Appendix A: Updated time table for the SCI

Appendix B: The Draft Breckland Statement of Community Involvement (2013) (with marked changes)

Appendix C: Table of SCI consultation comments and officer recommendations

## **Appendix A**

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

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