

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 21 FEBRUARY 2013  
EXECUTIVE – 5 MARCH 2013

REPORT BY EXECUTIVE MEMBER FOR  
STRATEGIC PLANNING AND TRANSPORT

STATEMENT OF COMMUNITY INVOLVEMENT (SCI): DRAFT  
DOCUMENT FOR PUBLIC CONSULTATION

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- This report details the need for the Council to update its Statement of Community Involvement and seeks agreement to enter into a period of six weeks' public consultation on a draft revised document.

**RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE**  
**PANEL AND EXECUTIVE: That:**

<b>(A)</b>	<b>the Draft Statement of Community Involvement be supported for public consultation.</b>
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**RECOMMENDATIONS FOR COUNCIL: That:**

<b>(A)</b>	<b>the Draft Statement of Community Involvement be agreed for public consultation.</b>
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1.0 Background

1.1 A Statement of Community Involvement (SCI) sets out how a local authority intends to involve the community in the preparation, alteration or review of local planning policies or in determining planning applications. Under the terms of the Planning & Compulsory Purchase Act 2004 (as amended), local planning authorities must prepare a Statement of Community Involvement.

1.2 The Council's previous SCI was subject to examination by

informal hearing in 2007, and whilst the SCI was found 'sound' by the Inspector at the time, it did not proceed to adoption due to procedural timing matters. Since the preparation of that SCI there have been a number of changes in the legislation and regulations which affect the way in which the local planning policy documents are prepared. It is therefore appropriate to revise the SCI to reflect those changes.

## 2.0 Report

- 2.1 The need for SCI preparation is set out in the Planning & Compulsory Purchase Act 2004 (as amended). Section 18 defines a local planning authority's SCI "as a statement of their policy for involving interested parties in matters relating to development in their area. The statement will apply to the preparation and revision of LDDs [*Local Development Documents*] and to the exercise of the authority's functions in relation to development control".
- 2.2 Section 19 further sets out the requirements for preparing LDDs. ... "Once the authority have adopted their statement of community involvement they must comply with it in preparing any local development document".
- 2.3 When the Council's previous SCI was prepared, the stages of preparing a planning document were set out in the accompanying Town and Country Planning (Local Development) (England) Regulations 2004.
- 2.4 Following the enactment of the Localism Act 2011, the new Town and Country (Local Planning) (England) Regulations 2012 were introduced, which amended and simplified the way in which a local plan should be prepared. As a consequence, the previous SCI is out of date and a review is necessary to reflect these new Regulations.
- 2.5 Previously, the SCI gave details about each stage of plan preparation and how the Council should consult the public at each of those stages. However, some stages of plan preparation are no longer included in the 2012 Regulations and the effect of these changes is that there is more flexibility for the Council in how it consults at the early stage of plan preparation. The need for public examination into Supplementary Planning Documents (SPDs) has also been removed.

- 2.6 Furthermore, the Neighbourhood Planning (General) Regulations 2012 have also been brought into force, which set out how the Council's role is defined in relation to Neighbourhood Planning and how it is required to carry out certain consultation procedures as part of this process.
- 2.7 Pursuant to these changes, a new draft revised SCI has been prepared to address the issues raised and to further ensure that it accommodates any other changes to Council procedure that may have occurred in the interim which could affect how planning consultations are undertaken. It is also intended that the document should be more digestible for the general public and has therefore set out to simplify how the information within it is communicated and to reduce its length significantly.
- 2.8 Beyond the planning policy related consultation process, the draft revised SCI will continue to set out the process regarding how the Council consults in respect of planning applications. The process for this aspect remains largely unchanged from the previous document, but has been presented in a more comprehensible format.
- 2.9 For both planning policy and development management consultation procedures, the revised document has taken on board the increased use of electronic communications in these processes and seeks to maximise usage where at all possible. This is in order to both streamline consultations, thereby reducing potential delay to the process concerned, and to achieve cost-effectiveness for the district's residents.
- 2.10 In light of all of the above, a new draft revised SCI is attached at **Essential Reference Paper 'B'**, which sets out the ways in which the Council proposes to consult the community in respect of four main planning related areas including: Development Plan Documents (notably, the District Plan); Supplementary Planning Documents; Neighbourhood Development Plans; and planning applications.
- 2.11 In terms of whether there remains a requirement to consult on the draft revised SCI, the Regulations appear ambiguous on this point. However, in light of the SCI's contents being related to public engagement, it would appear good practice (shared by many other local authorities) to carry out public consultation on the document. It is therefore intended that there should be a six week period of public consultation on the draft revised SCI.

2.12 This will be carried out in accordance with the procedure outlined in the draft SCI for SPDs and will be primarily via the Council's consultation portal. At this time the document will also be paragraph numbered.

2.13 However, it should be noted that following the consultation, and any subsequent amendments to the revised SCI, the Council will be in a position to proceed straight to adoption "without being submitted to the Secretary of State for examination", as advice to this effect was contained in a DCLG letter to Chief Planning Officers, dated 30 March 2011.

### 3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

Planning & Compulsory Purchase Act 2004 (as amended)

[http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga\\_20040005\\_en.pdf](http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf)

Town and Country Planning (Local Planning) (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

Neighbourhood Planning (General) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/637/contents/made>

DCLG letter to Chief Planning Officers, dated 30 March 2011

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8004/110330-](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8004/110330-)

[Letter to Chief Planning Officers Preparation and Monitoring of Local Plans.pdf](#)

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