

EAST HERTS COUNCIL

EXECUTIVE – 4 JUNE 2019

REPORT BY LEADER OF THE COUNCIL AND THE EXECUTIVE MEMBER  
FOR PLANNING AND GROWTH

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

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- To seek Members' agreement to publish the draft revised Statement of Community Involvement (SCI) for public consultation.

**RECOMMENDATIONS FOR EXECUTIVE: To recommend to Council that:**

<b>(A)</b>	<b>The draft Statement of Community Involvement, as set out in Essential Reference Paper 'B', be agreed and published for a six-week period of consultation.</b>
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1.0 Background

1.1 A Statement of Community Involvement (SCI) explains how a local authority intends to involve the community in the preparation, alteration or review of local planning policies or in determining planning applications. The planning system can be complex and the SCI aims to address uncertainty by setting out how the Council will engage with people at various stages of the planning process.

1.2 The preparation of an SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. The legislation requires the Council to prepare a statement setting out how it will notify and consult the community and other stakeholders in the preparation and of a review of the Local Plan, supplementary planning documents and neighbourhood plans, and in the consideration of planning applications.

1.3 The Council's first SCI was published in 2008 and was subsequently revised in 2013. Since the current SCI was adopted over five years ago the District Plan has been adopted, there have been changes to legislation and some of the Council's procedures have been updated. It is therefore important that the SCI is revised to reflect these changes:

- There is now a statutory requirement to review the SCI every five years;
- An SCI must include policies for giving advice or assistance on making and modifying neighbourhood development plans;
- The introduction of the General Data Protection Regulations (2018) means there are changes to how the Council stores and handles personal data;
- The Council's increased use of electronic communications.

1.4 A copy of the draft Statement of Community Involvement (SCI) is attached at **Essential Reference Paper 'B'**.

## 2.0 Report

2.1 The new SCI has been prepared to ensure that it addresses both the current national legislative position and internal procedural changes to Council operations that may affect how consultations relating to planning matters are undertaken.

- 2.2 The preparation of all planning related documents that the Council produces must comply with the adopted SCI. Failure to comply could mean that an inspector may recommend that a draft document is withdrawn or that the Council would be open to challenge on decisions taken. It is therefore important that the processes outlined in the document are reflective of practices that the Council operates.
- 2.3 The Council wants to involve all sectors of the community in the planning process and is committed to always either meeting or exceeding the minimum legal requirements for consultation set out in the Planning Regulations. The approach in the SCI to engage with people at each stage of the planning process reflects the East Herts District Council's Corporate Plan (2016-2020) , which has a priority to improve the wellbeing of communities by ensuring communities are engaged in local issues. The SCI has been written so that people who are new to planning should find it an accessible document.
- 2.4 In seeking both to streamline consultations, thereby reducing potential delay to the process concerned, and to achieve cost-effectiveness for the district's residents for both planning policy and development management consultation procedures, the revised document seeks to maximise the increased usage of electronic communications, in these processes. This includes the use of social media, which may encourage people to engage who seldom get involved in planning matters.
- 2.5 In section 3 the SCI sets out the ways in which the Council will consult on the planning policy documents it produces. This includes any review of the Local Plan (i.e. a successor to the current District Plan) and Supplementary Planning Documents. It details who will be consulted at each stage and how this will happen. A range of engagement methods are described, which will be considered by the Council as appropriate for each consultation. A flexible approach is used to ensure minimum regulations are met whilst at the same time being mindful that

the resources available for consultation are used appropriately and as effectively as possible.

- 2.6 Section 4 provides more detail about neighbourhood planning than the previous SCI. The requirement for the SCI to include information relating to neighbourhood planning has been introduced by the Neighbourhood Planning Act. The SCI sets out the different consultation stages and how the Council will advise and assist. There is an explanation about the different responsibilities of the Council and the neighbourhood plan groups in the engagement of these plans. To help streamline the process it is proposed that some stages in the development of neighbourhood plans are approved by the 'non-key decision' route instead of the committee process.
- 2.7 Section 5 relates specifically to proposals at Harlow and Gilston Garden Town. The production of the Gilston Area Development Charter SPD and any planning applications relating to sites within East Herts District must comply with the statutory requirements and general consultation principles set out in the previous sections of this SCI. However, given the cross-boundary implications with the other local authorities involved in the garden town development, it is considered important that the SCI explains the governance arrangements and key consultation principles that have been set up to ensure collaborative working.
- 2.8 Consultation on planning applications is governed by the Town and Country Planning (Development Management Procedure) Order 2015. These requirements are met by the Council's approach towards consulting on planning applications as set out in section 6.

### *Consultation*

- 2.9 It is intended that there should be a six week period of public consultation on the draft revised SCI, which will take place in June and July. This will be carried out primarily via the

Council's consultation portal and the results of the consultation will inform the final version of the revised SCI in due course.

2.10 As there is no longer a requirement for SCIs to be independently examined, the draft SCI will be presented and considered by Council for adoption in the autumn 2019.

### 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'**.

#### Essential Reference Papers

- A- Corporate Issues and consultation information
- B- Draft Statement of Community Involvement
- C- Equalities Impact Assessment

#### Background Papers

- The Town and Country Planning (Local Planning) (England) Regulations 2012  
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>
- The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017  
<http://www.legislation.gov.uk/uksi/2017/1244/made>
- Equality Act 2010  
<http://www.legislation.gov.uk/ukpga/2010/15/contents>
- Neighbourhood Planning (General) Regulations 2012  
<http://www.legislation.gov.uk/uksi/2012/637/contents/made>
- Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017  
<http://www.legislation.gov.uk/uksi/2017/1243/made>
- National Planning Policy Framework 2019  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- Planning and Compulsory Purchase Act 2004  
<http://www.legislation.gov.uk/ukpga/2004/5/contents>
- Neighbourhood Planning Act (2017)  
<http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>
- Town and Country Planning (General Permitted Development) Order 2015  
<http://www.legislation.gov.uk/uksi/2015/596/contents/made>
- Town and Country Planning (Development Management Procedure) (England) Order 2015  
<http://www.legislation.gov.uk/uksi/2015/595/contents/made>
- The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)  
<http://www.legislation.gov.uk/ukpga/1990/9/contents>
- National Planning Policy Framework 2019  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- East Herts District Plan 2018  
<https://www.eastherts.gov.uk/districtplan>

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