

REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING SERVICE
MANAGER

TO: EXECUTIVE

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STATEMENT OF COMMUNITY INVOLVEMENT

PURPOSE OF REPORT

The purpose of this report is to seek adoption of a new Statement of Community Involvement in Planning (SCI) to replace the current version adopted in March 2007.

RECOMMENDATIONS

Members agree that the amended draft SCI (Appendix 3) can be adopted.

Please note: The list of Display Locations (Appendix 2 of the draft SCI) will be finalised, once the locations highlighted in red have formally accepted, or declined, the opportunity to participate.

REASONS FOR RECOMMENDATIONS

To comply with the section 18 of the Planning and Compulsory Purchase Act 2004 (as amended).

ISSUE

Background

The Planning and Compulsory Purchase Act 2004 established a new planning system for the whole of the country. One of the main purposes of the changes was to increase the involvement of local communities in planning for their areas.

The Council's current SCI was adopted in March 2007. Subsequent amendments to planning legislation; national planning policy and guidance required it to be updated.

There is no longer a statutory requirement to consult on the SCI; however, it is considered good practice to do so. The draft SCI was agreed for consultation by the Executive on 22nd October 2015, and subject to a six week public consultation between 6th November and 18th December 2016.

Statement of Community Involvement (SCI)

Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to prepare an SCI.

The purpose of the SCI is to set out the Council's proposals for involving the local community and key stakeholders in the preparation and review of planning policy and the consideration and determination of planning applications.

Public Consultation

In line with all other planning policy documents prepared by Pendle Council a minimum consultation period of six weeks was carried-out in order to allow members of the public and other key stakeholders the opportunity to comment on the content of the draft document.

Over 1,500 contacts on the council's planning policy database were sent a letter advising them about the six week public consultation on the SCI (Appendix 1).

Posters were placed in Council shops and public libraries throughout Pendle and circulated to parish and town councils. They were also made available for display in leisure facilities and doctors surgeries throughout Pendle.

A total of eight representations were received in response to the public consultation, from the following organisations and individuals:

- Highways England
- Lancashire County Council (School Planning Team)
- Historic England
- Natural England
- Barrowford Parish Council
- The National Trust
- Miss Sheila Smith
- Lidgett & Beyond

These representations raised 25 separate issues. Appendix 2 includes verbatim comments from each representation; a detailed officer response and any recommended changes to the SCI.

The final version of the SCI, incorporating the changes arising from the public consultation is included as Appendix 3 to this report. For clarity the key changes, when compared to the consultation draft, are highlighted below:

- Education has been added to the types of available infrastructure identified in paragraph 2.19 (second bullet point).
- The role of Lancashire County Council as the 'education authority' has been acknowledged in paragraph 3.85.
- The production of an Executive Summary to help summarise long reports (where appropriate) has been acknowledged in paragraph 3.80.
- An amendment to the wording used in Table 3.4 (column 3) makes it clear that in preparing a CIL Charging Schedule (not currently proposed due to viability issues) the Council will draw upon the expertise of ALL relevant organisations, including those designated as specific, general or prescribed consultation bodies, which would include the National Trust.

- The section entitled 'How We Will Engage With You' in Chapter 3 (page 40) has been augmented to provide an overview of how the Council will normally notify, publicise and engage with key stakeholders and members of the local community (paragraphs 3.63-3.82).
- A typographical error in paragraph 4.57 has been rectified.
- The list of Display Locations (Appendix 2) has been expanded to include a number of additional establishments with a notice board facility; including dental surgeries (7), supermarkets (5), covered markets (2) and public houses/cafes, which have been recognised as playing an important role their local community (to be confirmed).

Once adopted by Members, the SCI will replace that adopted in 2007 and will be used as the framework for future consultation and engagement across the planning service.

IMPLICATIONS

Policy:

It is a requirement of the Planning and Compulsory Purchase Act 2004, that the Council prepare a SCI.

An up to date revised SCI provides clarity on how engagement will be undertaken with partners, communities and individuals and that minimum requirements are met.

Financial:

The costs of updating the SCI have been funded from existing resources. It is anticipated that there will not be any additional costs to the council arising from the adoption of the revised SCI.

Legal:

Local Planning Authorities are required by virtue of s18 of the Planning and Compulsory Purchase Act 2004 to prepare a SCI, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications.

By virtue of changes to section 18, subsection (3) of the Planning & Compulsory Purchase Act 2004 – as introduced in section 180, subsection (4) of the Planning Act 2008 – the SCI is now regarded as a local development document. The process associated with the preparation, consultation and adoption of local development documents is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (Part 3).

As stated in the report there is no statutory requirement to consult on a draft SCI but it is considered good practice to do so.

It is not considered that any adverse human rights implications arise from the report.

Risk Management:

The current SCI is no longer considered to meet the requirements of the Planning and Compulsory Purchase Act 2004. An updated SCI is required to avoid the risks inherent with an out of date SCI.

Health and Safety:

None identified as a direct result of this report.

Sustainability:

None identified as a direct result of this report.

Planning Practice Guidance (ID: 11-005-20140306) excludes the SCI from the requirement for Sustainability Appraisal.

Community Safety:

None identified as a direct result of this report.

Equality and Diversity:

The Council has a public sector equality duty under the Equalities Act 2010 to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under s4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not; and
- foster good relations between people who share those characteristics and people who do not.

The draft SCI sets out the stages involved in preparing new planning documents and determining planning applications. It includes measures to reduce barriers to people having a say in the planning decision making process, with the aim of advancing equality of opportunity for all.

With the Government's agenda to devolve planning powers to local communities, adopting an update of the SCI is vital to ensuring they are well informed as to how they can get involved in the planning process.

APPENDICES

Appendix 1: Letter to Consultees

Appendix 2: Consultation Responses

Appendix 3: Statement of Community Involvement in Planning (2016)

LIST OF BACKGROUND PAPERS

Planning and Compulsory Purchase Act 2004

Planning Act 2008

Localism Act 2011

National Planning Policy Framework 2012

Planning Practice Guidance 2014

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

Committee Report to Executive 22nd October 2015