

REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING SERVICE
MANAGER

TO: EXECUTIVE

DATE: 22nd October 2015

Report Author: John Halton
Tel. No: 01282 661330
E-mail: john.halton@pendle.gov.uk

STATEMENT OF COMMUNITY INVOLVEMENT

PURPOSE OF REPORT

To request that the Executive approve the proposed update of the Statement of Community Involvement in Planning (SCI) for public consultation.

RECOMMENDATIONS

- (1) Members agree that the draft SCI is made available for a six-week public consultation.

REASONS FOR RECOMMENDATIONS

- (1) To comply with the section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) and to allow members of the public and other key stakeholders the opportunity to comment on the content of the document.

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 it introduced 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 (see Chapter 2) mean that it is now in need of updating.

This review of the SCI takes on board these new requirements and reflects changes in planning terminology, such as the re-introduction of Local Plans and a move from 'development control' to 'development management' in the planning application process.

However, the principal change arising from the new legislation is not reflected in the SCI itself, but in its preparation; as the Planning Act 2008, removed the requirement for the SCI to be submitted to the Secretary of State for independent examination.

The Town & Country Planning (Local Planning) (England) Regulations 2012 introduced further changes. In particular these relate to a simplified preparation process with fewer formal stages, simpler consultation and engagement requirements and the increased use of electronic communications.

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. The key issues to be addressed in the SCI are:

- What matters should the community be consulted on?
- Who should the Council involve?
- How should the community be involved?
- When should the community be consulted?

The SCI Update is split into three parts. Chapter 2 outlines the recent changes to the planning system; Chapter 3 is concerned with the process of preparing a new Local Plan; and Chapter 4 addresses the determination of planning applications (i.e. Development Management).

The Council is committed to providing local residents, businesses and other organisations with every opportunity to have their say on planning matters. The SCI seeks to 'front load' community engagement by encouraging interested parties to become actively involved at an early stage. But, community involvement can only succeed if the methods employed are appropriate to their needs and capabilities.

This update of the SCI provides an opportunity to reflect 'best practice'; introduce new ways of working (e.g. the rapid growth of social media such as Twitter and Facebook) and build on experience gained since the adoption of the current SCI.

Public Consultation

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

Following the six-week public consultation, all responses will be carefully considered and a report brought back to the Executive:

- summarising the representations received in response to the public consultation;
- recommending approval of any proposed changes to the SCI, which are considered to be necessary in light of the comments received; and
- requesting that the revised document be formally adopted.

Once adopted, the preparation of all new planning policy documents and the consideration of planning applications must comply with the consultation commitments contained within the SCI.

IMPLICATIONS

Policy:

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

Financial:

The costs of preparing the SCI will be met within existing budget commitments.

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).

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: Draft SCI Update

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