

6. STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
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Wards Affected: All
Key Decision: Yes
Report to: Scrutiny Committee for Communities, Housing and Planning
Date of meeting: 12th September 2018

Purpose of Report

1. The purpose of this report is to ask the Committee to consider a draft revised version of the Statement of Community Involvement (SCI), which was adopted in 2011. The Statement has been updated to comply with national legislation, the adoption of the District Plan and evolving best practice on community and stakeholder engagement. An existing Appendix to the SCI, covering the use of Planning Performance Agreements, is also proposed to be updated and published as a standalone document.
2. Subject to the above consideration, the Committee is asked to recommend the Cabinet Member for Housing and Planning approves the documents as suitable for public consultation this autumn.

Summary

3. This report:
 - a) Describes the Council's scope of the existing Statement of Community Involvement;
 - b) Outlines the changes to legislation and to the local planning policy context which have taken place since the current SPD was adopted in 2011;
 - c) Provides a summary of the revised draft SCI;
 - d) Describes the proposed revisions to the adopted guidance on the use of Planning Performance Agreements; and
 - e) Set out details of the proposed consultation arrangements.

Recommendations

4. **That the Scrutiny Committee:**
 - (i) Considers the revised draft Statement of Community Involvement and Guidance on the use of Planning Performance Agreements; and**
 - (ii) Recommends that the Cabinet Member for Housing and Planning approves the draft Statement of Community Involvement and Guidance on the use of Planning Performance Agreements as suitable for public consultation.**
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Background: the current SCI

5. The requirement to prepare an SCI is set out in the Planning and Compulsory Purchase Act (2004). Mid Sussex District Council first adopted an SCI in 2011 to explain how the Council would engage and involve local people and communities in the planning process.
6. The previous SCI consisted of a suite of documents including the Statement of Community Involvement, the Code of Practice and two appendices concerning community involvement in planning decisions and involvement in Planning Performance Agreements.

Changes to legislation and the local policy context

7. Since the current SCI was adopted there have been a number of important changes to national planning law and policy together with the adoption of the District Plan and the widespread introduction of neighbourhood plans across the District.
8. Under the Neighbourhood Planning Act 2017, from 31st July 2018 SCIs must:
 - Be updated every five years as a minimum;
 - Set out how the authority will support neighbourhood planning groups in making of neighbourhood development orders and reviewing neighbourhood plans; and
 - State how it will give people and communities opportunities to understand how the Council reviews matters which may affect development in its area or the planning of its development (the 'survey' stage of planning).
9. The Statement of Community Involvement is therefore currently being refreshed, in order:
 - To ensure that the SCI complies with all relevant national planning policy and guidance (including the September 2018 update to Planning Practice Guidance);
 - To revise the document to ensure that it complies with the District Plan 2031; and
 - To update the Council's commitments to local communities and explain how the Council will engage local communities in planning processes including making and reviewing Neighbourhood Plans.

The draft Statement of Community Involvement

10. In updating the SCI, officers have streamlined the information it previously contained, incorporating all the required details into one relatively short and accessible document. This provides greater clarity on the council's commitment to community engagement and offers a more useful for resource for local people that wish to be involved in local planning. It is proposed to delete the current Appendices from the website once the new SCI is adopted.
11. The document covers a range of topics concerning the Council's commitment to engage local communities in planning processes, including:

- A Code of Practice, setting out six general principles for community engagement, which are intended as a guide to ensure the necessary quality of work is carried out;
 - Information on both the legal requirements for consultation and the ways the Council will involve local communities in plan-making and planning applications, including summaries of the stages and methods of consultation involved in each; and
 - Updated information on the Council's support of neighbourhood planning, the Council's Duty to Cooperate with nearby planning authorities and other public bodies, and monitoring of the Council's consultation activity.
12. In line with the previous version, the document not only covers consultation activities by the Council but also advice on how private developers should consult and engage with local communities in advance of submitting planning applications for development.
 13. Included for the first time is guidance on the appropriate use of social media in engaging with people and communities across the District.
 14. The revised draft Statement of Community Involvement is attached as Appendix 1. Following consultation and adoption of the SCI, it would be reviewed and updated within the five year statutory maximum period for review.

Guidance on the use of Planning Performance Agreements

15. The current adopted version of the SCI includes an appendix entitled 'How we involve you in Planning Performance Agreements'. It is proposed that this existing appendix is retitled as a general advice document on the use of PPAs in Mid Sussex. It would then be published as a standalone document on the website, accessed via the Pre-Application Advice Page.
16. The guidance note has been updated in line with the advice set out in the NPPG and best practice, including experience from application of the process in Mid Sussex. PPAs are likely only to be used for large and complex applications and the guidance note sets out the scope; process; involvement of local communities, members and other stakeholders. It notes the responsibilities of both applicant and planning authority under the framework of a PPA in the spirit of a 'memorandum of understanding' rather than a legally binding document.
17. The guidance states that additional funding will be required to enter into a PPA and that this will be negotiated on a case-by-case basis. In return, the Council will commit to do all it can to comply with the timescales and other elements agreed as part of a PPA.
18. The proposed revised Guidance on the use of Planning Performance Agreements is attached as Appendix 2. Although there is no requirement to undertake public consultation on this document, it would be good practice to invite comments on in along with the revised SCI.

Consultation Arrangements and Next Steps

19. There are no consultation requirements for SCIs under the Town and Country Planning (Local Planning) (England) Regulations 2012. Nonetheless, in line with other planning policy documents and best practice, it is proposed that a six week public consultation on the draft document is carried out in the early autumn.
20. Once public consultation has been carried out and any amendments to the document considered, officers will recommend that Council adopts the revised SCI as part of its local planning policy framework.
21. It is anticipated that the SCI will be adopted in early 2019.

Other Options Considered

22. The only alternative option would be to not update the existing version of the SCI. However, this would mean that the SCI would not comply with legislation or refer to current policy or guidance. It would also leave the District Council open to criticism that it does not take its policy on engaging local people and communities sufficiently seriously.

Financial Implications

23. There are no direct financial implications as a result of the updating of the SCI. In bringing forward proposals for community engagement and consultation, officers will be aware of the need to balance the management of budgets with the ability to engage effectively with people across the District.

Risk Management Implications

24. Without an updated Statement of Community Involvement, the Council would be in breach of legislation and at the risk of any action taken by Government or potentially an interested third party (the latter through Judicial Review).
25. Although the likelihood of either of these events is low, the reputational risk to the Council should they occur would be significant. As noted above, the Council could be accused of not taking its policy on engaging with local people seriously enough.

Equality and Customer Service Implications

26. The draft SCI has equality and customer services at the core of its principles. In bringing forward community consultation and engagement activities, advice is given to officers (or private developers in working up development proposals) on targeting hard to reach communities and outreach work with them.

Other Material Implications

27. There are no other material implications.

Appendix 1: Revised Draft Statement of Community Involvement

Appendix 2: Proposed Guidance note on the use of Planning Performance Agreements