



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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**to  
PLANNING AND LICENSING COMMITTEE  
05 JUNE 2018**

**MALDON DISTRICT STATEMENT OF COMMUNITY INVOLVEMENT**

**1. PURPOSE OF THE REPORT**

- 1.1 To seek the Committee's approval for the draft Statement of Community Involvement (SCI) (**APPENDIX 1**) to go out to public consultation. The current adopted SCI needs to be updated to take into account changes to national legislation and planning practice guidance and to reinstate the Council's commitment towards transparency and engagement with the community it serves.

**2. RECOMMENDATIONS**

- 2.1 That the draft Statement of Community Involvement (SCI) be approved for 6 weeks' public consultation starting in June 2018.

**3. SUMMARY OF KEY ISSUES**

- 3.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires all Local Planning Authorities to prepare a Statement of Community Involvement (SCI). The SCI is a document which sets out how the Council will engage with the community in the delivery of its planning functions: for planning policy and development management.
- 3.2 The previous SCI was adopted in 2007, with an addendum approved in 2011. Since its adoption there have been major changes to the planning system including the publication of the National Planning Policy Framework (NPPF) and the publication of the revised draft NPPF, and the introduction of neighbourhood planning. Due to the significance of these changes an updated SCI is required.
- 3.3 Since 2007 the Council's approach to engaging the community and stakeholders has changed: new methods and channels of communication are used to provide access to information and to make commenting on planning policy documents and planning applications more efficient and effective. This needs to be reflected in the draft SCI. In addition, The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 require Local Authorities to update their SCI every five years. As the current SCI was approved in 2007, a review is considered to be timely. In the future, the Council will need to undertake an assessment of the SCI in five years' time (from the date of approval) to determine whether a full or partial review is required to ensure its approach to community involvement remains both

efficient and effective. Undertaking a full review now should ensure that the SCI has longevity for the future.

### **Community Involvement in Planning Policy**

- 3.4 The 2007 Maldon District Statement of Community Involvement contained detailed guidance on how the Council will prepare its programme for preparing all future policy documents, which is set out within the approved Local Development Scheme (LDS). The draft SCI maintains this information.
- 3.5 The Council aims to ensure all groups within the community have the opportunity to participate in planning policy consultations, in particular ‘hard to reach’ groups. The Home Office Development and Practice Report 15<sup>1</sup> identified minorities, those slipping through the net and the service resistant as hard to reach groups. The draft SCI adds that under the Equality Act 2010 the Council is required to undertake an Equalities Impact Assessment on all of its policies to ensure that all community groups are treated fairly in the preparation and implementation of policy, as part of the Public Sector Equality Duty.
- 3.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 requires Local Planning Authorities to consult “specific consultation bodies” (statutory consultees) and other interest groups which cover a variety of voluntary, community, special interest, Non-Governmental Organisations (NGOs), amenity groups, local business interests and other bodies, referred to as “general consultation bodies”. The draft SCI provides information on when and how the Council will consult both statutory and voluntary consultees.
- 3.7 A key area of change is the methods of communication to be used by the Council during public consultation - these take into consideration advancing electronic communication and engagement capabilities. The internet is an important communicational tool between the Council and consultees, allowing a wide range of people to be reached easily and effectively, in an efficient way. The Council’s website has a dedicated consultation webpage and portal, designed for ease of access and usability for those wishing to submit representations to planning policy document consultations. Social media platforms are now being used by the Council, such as Twitter and Facebook, to promote awareness of public consultations and encourage participation in giving feedback to consultations that are taking place. These can be particularly useful in reaching hard to reach groups such as younger people. These platforms will not be a source of providing feedback but will guide users to the Council’s website and specifically, the consultation landing page, where comments and feedback can be submitted. Guidance is provided within the draft SCI on how these communicational tools will be used to full effect in reaching and engaging with members of the community.
- 3.8 The process of engagement and involvement of the local community and statutory consultees during the preparation of Local Development Documents, such as the Local Development Plan or Supplementary Planning Documents varies dependant on the type of planning policy document being produced. The SCI outlines and updates this process for each type of document and also identifies how the participation can be

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<sup>1</sup> The Home Office. 2010. *Delivering services to hard to reach families in On Track areas: definition, consultation and needs assessment*. Available at: <http://webarchive.nationalarchives.gov.uk/20100612150419/http://rds.homeoffice.gov.uk/rds/pdfs2/dpr15.pdf>

used to help influence and shape the policy documents as the planning process evolves.

- 3.9 Consulting neighbouring authorities on planning policy documents is not a new issue. But the duty to cooperate has become a requirement of planning policy document preparation in recent years (in the Localism Act 2011). The draft SCI sets out the legal duty placed on the Council to engage constructively, actively and on an on-going basis with planning authorities and other public bodies to secure the necessary cooperation on strategic cross boundary matters throughout the preparation of the Local Plan and other planning policy documents as they evolve. Requirements are different for a Local Plan to other documents; the SCI makes the Council's responsibilities clear.
- 3.10 The draft SCI provides information on how the Council will process and analyse all representations made during formal consultation periods, how the Council will hold all data, in line with GDPR. It also clarifies the role Members have, particularly through the Committee process.

#### **Community Involvement in Neighbourhood Planning**

- 3.11 An important addition to the SCI is that of neighbourhood planning. Neighbourhood planning was introduced in the Localism Act 2011, the draft SCI makes sure that communities are made aware of the opportunities neighbourhood planning offers and the type and level of support guidance about how the Council will provide to all communities involved in the neighbourhood planning process. The draft SCI outlines the stages of development and the roles of both the community and the Council in their preparation.
- 3.12 Maldon District Council's statutory support for neighbourhood planning is clearly stated, as well as additional support that is offered. The basic conditions set include a provision of up to 10 days of support time and attendance at a maximum of 4 meetings for each Neighbourhood Plan. The level of additional support will vary dependant on the types of proposals in a Plan, and the requirements of the community group.

#### **Community Involvement in Planning Applications**

- 3.13 The Town and Country Planning (Development Management Procedure) (England) (Order) 2015 sets out the approach that must be taken by Local Planning Authorities with regard to involving the community in the consideration of planning applications. The draft SCI reinforces this by setting out the extent to which the Council involves statutory bodies and community groups in each stage of the planning application process, the type of information that will be required to accompany different types of planning applications, how the Council will consider representations made and the timescales involved at each stage. The SCI also sets out the appeals procedure as defined by the Town and Country Planning Act 1990.

#### **Pre-application stage**

- 3.14 In addition, the draft SCI provides information with regard to the Council's Pre-Application Service, outlining the benefits of early discussion between applicants and the planning authority. This pre-application process between the applicant and the Council is **confidential** in its entirety. There are various mechanisms in place to make the pre-application process straightforward and effective both to applicants and the

Council. By highlighting these in the SCI the community and stakeholders will be aware of the various services offered by the Council and how these can help the consideration of their application. In many cases, this can make the process more efficient both in terms of time and cost, for applicants and the Council.

- 3.15 The Council offers householder application planning advice via a Duty Planning Officer as part of its Pre-Application service. The draft SCI sets out what informal advice the Duty Planning Officer will be able to provide. The draft SCI encourages potential applicants to make best use of this service so that their application is considered in a timely manner.
- 3.16 The Localism Act 2011 requires all applicants who seek to submit proposals for large-scale development to undertake pre-application consultation with the community. The draft SCI sets out the criterion for defining large-scale development and the type of consultation the Council would consider appropriate.
- 3.17 Planning Performance Agreements (PPAs) are an increasingly important part of the development management process. PPA's are used as an alternative to the pre-application process and provide an agreed level of service between the applicant and the Council. This a relatively new initiative – the draft SCI sets out the level of service the applicant will receive from the Council, which Officer(s) they will deal with and which Officer will coordinate the Council's and partners activities as well as the length of time that the PPA will apply and the fees involved.
- 3.18 An essential Member role is as a voice of their constituents. The draft SCI refers to the Development Management Protocol for Member engagement in Pre-Application discussions. This ensures that the community are aware of the role their Members play in the planning process, and provides transparency in terms of the way Members operate at pre-application stage.
- 3.19 Making sure information on planning applications is available to the community can help with the preparation of a planning application. It can also help the community understand why a particular scheme was approved or refused. Since 2007 more information is publicly available to a wider audience than before: the draft SCI sets out where planning applications and weekly lists (from 2004) are available to view in the public domain on the Council's planning application search facility. Information is also provided on how to view planning application dated pre-2004.
- 3.20 Planning application, once submitted to the Council, will be verified and validated as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015. To make a valid application, both statutory and local requirements must be met and will not be validated until completed.

**Material considerations**

- 3.21 Representations made about planning applications must relate directly to planning matters known as material considerations. This is an important part of the planning application process – the draft SCI stipulates what is considered as a material consideration, such as harm to amenity of residents, visual impact and impact on the appearance of the surrounding area, and how these will be taken into account in the planning application process.

### **Other Matters**

- 3.22 Once approved, the use and implementation of the draft SCI will be monitored as part of the Authority Monitoring Report (AMR) each year. Section 113 of the Localism Act 2011 requires local authorities to produce reports which monitor the progress of their Local Plan documents, including the SCI; therefore the AMR is published annually and will provide a monitoring framework to assess the effectiveness of the SCI and policies within the Local Development Plan.
- 3.23 The draft SCI has been produced in conformity with the General Data Protection Regulations (GDPR). The Council's Data Protection Officer confirms the approach is appropriate.
- 3.24 The draft SCI has been distributed to the relevant Council departments and has incorporated the views and expertise of Maldon District Council Officers to ensure a coordinated and collaborative approach to its production. All comments and opinions have been incorporated into the document, making it a more rounded and concise engagement tool, specific to the issues and priorities of Maldon District.

## **4. CONCLUSION**

- 4.1 The existing Statement of Community Involvement was approved in 2007 and provides guidance on how the Council will engage with and involve local communities and stakeholders, as well as statutory consultees, on planning policy and development management matters within Maldon District. Since then there have been several changes to national legislation and national and local planning policy relating to engagement in the planning process, as well as many technological advances relating to how the Council communicates and engages with the community on a wide range of planning matters. With proposed changes to the NPPF subject to consultation, in considering responses to consultation to the SCI, the Council will also need to consider the final revised NPPF which is due to be published in the summer 2018.
- 4.2 SCI consultation is a regulatory requirement. The stakeholder and public consultation will be for 6 weeks and the outcomes will be reported back to this Committee in autumn 2018.
- 4.3 Once approved, the draft SCI will replace the approved 2007 SCI and its 2011 addendum.

## **5. IMPACT ON CORPORATE GOALS**

- 5.1 The draft SCI will have a positive impact on the corporate goals of protecting and shaping the District.

## 6. IMPLICATIONS

- (i) **Impact on Customers** – The draft SCI will assist users of the document by containing the most relevant and up-to-date information. Proposed improvements set out within the updated SCI will improve the accessibility of information.
- (ii) **Impact on Equalities** – The draft SCI aims to create an equal platform for all members of the community to contribute effectively in planning matters by creating a framework that engages with and involves all community groups.
- (iii) **Impact on Risk** – The draft SCI has been prepared in accordance with The Town and Country Planning (Local Planning) (England) (Amendments) Regulations 2017, which requires a review of the SCI to be completed every five years. As the existing SCI was approved in 2007, a review is essential to minimise challenge.
- (iv) **Impact on Resources (financial)** – The costs related to the public consultation will be met through the community engagement resource for the LDP.
- (v) **Impact on the Environment** – The draft SCI will enable the engagement and involvement of community groups, as a result this will promote the most sustainable and positive forms of development within the District.

### Background Papers:

National Planning Practice Guidance, Before submitting an application, February 2018

National Planning Practice Guidance, Neighbourhood planning, February 2018

National Planning Practice Guidance, Consultation and pre-decision matters, July 2017

National Planning Policy Framework 2012 -

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Draft for Consultation NPPF 2018 - <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

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