

RECOMMENDATION TO COUNCIL – 2ND REVIEW OF THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI) FOR GLOUCESTERSHIRE

Cabinet Date	17 June 2020
Cabinet Member for Environment and Planning	Cllr Nigel Moor
Key Decision	Yes
Background Documents	Planning and Compulsory Purchase Act 2004 (as amended) The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and other relevant statutory instruments
Location/Contact for inspection of Background Documents	Please contact Robin Drake (robin.drake@gloucestershire.gov.uk) with any questions regarding background documents. All legislation can be obtained at http://www.legislation.gov.uk/ All consultation documents relating to the Statement of Community Involvement can be located at https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/statement-of-community-involvement-sci/
Main Consultees	All bodies and persons who have made representations and / or included on the Gloucestershire County Council Local Plan database.
Planned Dates	24 th June 2020 – County Council to consider the recommendations of Cabinet including the resolution to adopt the 2 nd Review Statement of Community Involvement for Gloucestershire; June 2020 – Adoption of the 2 nd Review Statement of Community Involvement for Gloucestershire. The document will be made available on the County Council’s website.
Divisional Councillor	All divisions
Officers	Colin Chick, Executive Director for Economy, Environment & Infrastructure, Tel 01452 32 8470, E-mail Colin.Chick@gloucestershire.gov.uk Simon Excell, Lead Commissioner: Strategic Infrastructure, Tel 01452 328487, E-mail: simon.excell@gloucestershire.gov.uk Kevin Phillips, Team Manager: Planning Development Management & Minerals & Waste Policy, Tel 01452 427979, E-mail: kevin.phillips@gloucestershire.gov.uk

Purpose of Report	To seek from Cabinet a recommendation to County Council to resolve to adopt the 2 nd Review Statement of Community Involvement (SCI) for Gloucestershire that specifically applies to all land-use planning functions undertaken by the County Council.
Recommendations	That the Cabinet recommends to County Council to:- Adopt the 2 nd Review Statement of Community Involvement for Gloucestershire in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).
Reasons for recommendations	The County Council has a statutory duty to revise the Statement of Community Involvement every five years in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
Resource Implications	<p>The costs of preparing the 2nd Review Statement of Community Involvement for Gloucestershire including notification of its adoption; and making it publicly available can be met from the existing revenue budgets for 2020 – 2021.</p> <p>The commitments made within the SCI, will have an impact upon the level of resources needed to run the council's Development Management and Minerals and Waste Planning services in the future. The 2nd Review Statement of Community Involvement has been prepared with current budgetary constraints in mind and will help to reduce the budgetary implications for local plan consultations due to the removal of the requirements to place hard copies of consultation documents in all of the libraries. Public expenditure could be reduced by as much as £4,000 for each consultation, which would otherwise be used to cover the administration, materials (e.g. paper) and printing. There is also a potential carbon saving equivalent to around 1 tonne per consultation event.</p>

MAIN REPORT CONTENTS

1. Background

- 1.1. A Statement of Community Involvement (SCI) sets out the consultation and engagement commitments of local planning authorities when they prepare local plans and determine planning applications. An SCI should explain who, when and how residents, interest groups, organisations, businesses and other representatives will be involved at the local level in the land-use planning system. For Gloucestershire County Council this incorporates its role as the Mineral & Waste Planning Authority (MWPA) and as determining local planning authority for public infrastructure carried out by the County Council. It also includes any future land use planning responsibilities that might be taken on by the County Council¹.
- 1.2. The Planning and Compulsory Purchase Act 2004 (as amended) mandates planning authorities to produce an SCI. The Town and Country Planning (England) (Local Planning) Regulations 2012 that cover the details for preparing an SCI were amended in 2018. The amendment specifically requires SCIs and other Development Plan Documents to be reviewed at least every five years. Gloucestershire County Council adopted its current (1st Review) SCI in 2013.
- 1.3. The 2nd Review Statement of Community Involvement must undergo the statutory consultation stage during preparation as set out within the Town and Country Planning (England) (Local Planning) Regulations 2012 (as amended). Once the relevant stages have been completed, the Statement can be adopted by the County Council. It is only after adoption that the document will be applicable to consultations for development proposals and plan-making that falls under the remit of the County Council.
- 1.4. On 13th May 2020 revised national planning policy guidance (PPG) was issued by the Government in response to the ongoing coronavirus (COVID-19) pandemic. The guidance specifically relates to Statements of Community Involvement (SCIs) and plan making. It seeks to avoid possible policy conflicts between achieving effective community engagement in progressing plans and combating the spread of COVID-19. The revisions to the PPG are to remain in place until either further changes are made or they are cancelled in response to the status of Cabinet Office guidance – Staying alert and safe (social distancing) which was last updated 31st May 2020.
- 1.5. The PPG advises that SCIs should be reviewed to identify policies that could be inconsistent with the new guidance on staying at home and away from others or any superseding guidance. Temporary amendments should be made to allow plan-making to progress whilst continuing to promote effective community engagement within the restrictions relating to the COVID-19 outbreak. It is strongly encouraged that online engagement is considered to its fullest potential and that reasonable measures are put in place to ensure sections of the community that don't have internet access are still able to engage.
- 1.6. For the Statement of Community Involvement for Gloucestershire (2nd Review) a number of minor amendments have been identified and set out in an addendum, which

¹ County Councils are now recognised as a plan-making authority with responsibilities that could be extended beyond minerals and waste matters under provisions of the Neighbourhood Planning Act.2017

has been included at the beginning of the main document (see appendix 1). The amendments will only apply for a temporary period of time in line with the Cabinet Office guidance.

Preparing the 2nd Review Statement of Community Involvement for Gloucestershire

- 1.7. The regulatory process for revising a SCI has fewer formal stages than for the preparation of Development Plan Documents such as the Minerals or Waste Local Plan.
- 1.8. In March 2019, the Lead Cabinet Member for Environment and Planning endorsed the undertaking of a 2nd Review of the SCI for Gloucestershire
- 1.9. Prior to consultation, a draft of the 2nd Review of the SCI for Gloucestershire was presented to Planning Committee in September 2019. This report contained a number of proposed changes that included: -
 - Acknowledgment of legislative reforms and implementation updates since 2013. New references to reflect the relevant consultation-related requirements linked to the General Data Protection Regulations (GDPR), Environmental Information Regulations (EIR) and the Duty to Cooperate (DtC);
 - Text changes to better reflect the potential broadening out of the County Council's involvement in plan making beyond minerals and waste matters including a new section outlining the County Council's consultation standards for Supplementary Planning Documents (SPDs);
 - Recognition of the expansion of consultation outlets and opportunities through electronic means and the shift away from traditional engagement such as postal letter notifications and making available hard copies at deposit locations throughout the County. The 2nd Review SCI will remove the Council's requirement to always make hard copies of all consultation documents available at Gloucestershire's libraries (40 + locations). The change will enable greater flexibility and the potential opportunity for the delivery of more innovative communication methods. The change is largely supported by improved accessibility to electronic facilities brought about through communication infrastructure investment at Gloucestershire's libraries in the recent past;
 - Changes in the categories of consultees and individual organisations that the County Council is committed to engage with during plan-making reflecting the re-organisation and name changes of government and non-governmental bodies and the increasing importance of demonstrating how the County Council is responding to its Duty to Cooperate (DtC) responsibilities;
 - For determining planning applications, additional advice is provided to confirm the County Council's default position on the confidentiality of paid pre-application advice. Further local guidance is also presented to clarify how the County Council will consult and notify about proposed developments that may require an Environment Impact Assessment (EIA). The latter has been included to reflect revisions to the regulatory regime for EIAs brought about in 2017;

- Finally, a new sub-section covering potential Nationally Significant Infrastructure Projects (NSIPs) proposed within Gloucestershire has also been prepared. This explains the County Council's role in NSIP applications and sets out a commitment to actively encourage prospective applicants to apply the Council's standards when carrying out community engagement.

- 1.10. Consultation on a draft 2nd Review SCI was undertaken between 7th October and 6th December 2019 in accordance with the consultation requirements of the existing adopted SCI.
- 1.11. A total of 12 consultees made representations to the consultation. These were made from a wide variety of consultees: 2 neighbouring authorities, 3 parish or town councils, 1 planning agent, 1 member of the public and 5 other organisations.
- 1.12. Responding consultees were generally supportive of the revised document. Half of the comments noted the revised content and sought clarification as to the consultation status of their respective organisations. Three of the responses made suggestions for improving the document or consultation process.
- 1.13. In response to comments raised a number of minor changes have been made. These include enhancement of the consultee section to recognise the stakeholder engagement of certain organisations and adding further footnotes and references to aid clarification.
- 1.14. A number of additional minor amendments have been identified and set out in an addendum. These are in response to revised national planning policy guidance (PPG) published on the 13th May 2020 that cover the coronavirus (COVID-19) pandemic. The amendments temporarily: - remove the use of local authority offices to allow interested parties to view hard copy consultation documents; suspend the use of face-to-face meetings, public gatherings and attended workshops; and support the greater use of alternative digital media for ensuring meaningful community engagement can still take place.

2. Options

- 2.1. That Cabinet recommends to County Council to resolve to adopt the 2nd Review Statement of Community Involvement for Gloucestershire (see Appendix 1). This will replace the currently adopted 1st Review Statement of Community involvement (2013).
- 2.2. The only alternative option is for Cabinet not to recommend to County Council the adoption of the 2nd Review of the Statement of Community Involvement for Gloucestershire and to continue to rely upon the currently adopted 1st Review.

3. Risk Assessment

The decision not to adopt or to delay the 2nd Review SCI would commit the Council to continue to follow consultation obligations that are out-of-date and not in line with

current Government guidance and statutory responsibilities including recently released advice on responding to the COVID-19 outbreak. As the information in the 2013 document is out-of-date, it does not provide effective guidance to the public on the development plan process. The result of this could lead to increasing inefficiencies in the running of the Council's planning services with very limited opportunity to make any changes. It will also prevent the Council from making a further carbon emission saving, equal to approximately 1 tonne due to the continued obligation to print hard copy documentation for consultation. Furthermore, the existing local engagement commitments are in conflict with national guidelines on social distancing, protecting vulnerable and at risk people and restricting the spread of coronavirus.

4. Officer Advice

- 4.1. The Officer advice is that the 2nd Review of the Statement of Community for Gloucestershire should be recommended by Cabinet for adoption by County Council in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended) (see Appendix 1).

5. Equalities considerations

- 5.1. Cabinet Members should read and consider the Due Regard Statement in order to satisfy themselves as decision makers that due regard has been given. It concludes that the process of preparing the 2nd Review Statement of Community Involvement for Gloucestershire and its subsequent adoption has not identified any specific impacts or concerns for individuals and communities covered by protected characteristics. Furthermore, the consultation methods outlined within the 2nd Review Statement of Community Involvement for Gloucestershire will have no negative impacts on individuals and communities covered by protected characteristics. All members of the community have had the opportunity to inspect the emerging document during the consultation.

6. Consultation feedback

- 6.1. This is discussed in paragraphs 1.6-1.9 above.

7. Performance Management / Follow-up

- 7.1. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to carry out a review of their Statement of Community Involvement every 5 years from adoption to determine whether it is still fit for purpose. The Executive Director of Economy, Environment and Infrastructure will brief the Cabinet Member for Environment and Planning and other Members accordingly in respect of these matters as necessary at the appropriate time.

Report Title	Recommendation to Council – 2nd Review of the Statement of Community Involvement (SCI) for Gloucestershire
Statutory Authority	<p>The 2nd Review Statement of Community Involvement for Gloucestershire has been prepared in accordance with the following : -</p> <p>Planning and Compulsory Purchase Act 2004 (as amended)</p> <p>Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</p> <p>National Planning Policy Framework (NPPF) (2019)</p> <p>Cabinet Office National Guidance: Staying alert and safe (social distancing) (May 2019)</p>
Relevant County Council policy	The 2 nd Review Statement of Community Involvement for Gloucestershire sets out how the County Council will consult on planning applications and policy documents that fall under the remit of the County Council's Development Management and Minerals & Waste Planning team.
Sustainability checklist: Partnerships Decision Making and Involvement Economy and Employment	<p>The preparation of the 2nd Review Statement of Community Involvement for Gloucestershire is reliant upon partnership working. The views of interested parties are an integral part of the planning system. Plan making and decision making must involve informal and formal community representation – such as individuals, local action groups, Parish Councils, District Councils and elected County and District members. It must also include statutory bodies and agencies, the business community and industry and other non-governmental organisations. The document describes how these bodies will be engaged.</p> <p>These are outlined in the main body of the report</p> <p>The 2nd Review Statement of Community Involvement for Gloucestershire will provide an up-to-date framework for consultation to support the preparation of local policy documents and decision-making on planning applications which in turn will facility the economy through effective development management.</p>

Caring for people	The 2 nd Review Statement of Community Involvement for Gloucestershire will provide an up-to-date local framework for ensuring that the amenity and quality of life of local communities will be effectively taken into consideration when assessing future development proposals and in local plan making.
Social Value	The 2 nd Review Statement of Community Involvement for Gloucestershire will provide an up-to-date local framework that will headline the necessity for the key elements of 'social value' (e.g. wider social, economic and environmental benefits) to be carefully taken into account.
Built Environment	The 2 nd Review Statement of Community Involvement for Gloucestershire will provide an up-to-date local framework for ensuring the relevant bodies responsible for the county's built-up areas are effectively consulted on future development proposals and local plan making.
Natural Environment' including Ecology (Biodiversity)	The 2 nd Review Statement of Community Involvement for Gloucestershire will provide an up-to-date local framework for ensuring the relevant bodies responsible for the county's natural environment are effectively consulted on future development proposals and local plan making.
Education and Information	The 2 nd Review Statement of Community Involvement for Gloucestershire will provide an up-to-date local framework for ensuring that sufficient information is made available to ensure that the stakeholders are able to make effective consideration of future development proposals and local plan making consultations.
Tackling Climate Change	Carbon Emissions Implications? Positive/ Neutral/ Negative Vulnerable to climate change? Yes/ No/ Maybe
Due Regard Statement	<p>Has a Due Regard Statement been completed? Yes/No Yes - considerations included in main body of report</p> <p>A copy of the full Due Regard Statement can be accessed on GLOSTEXT via http://glostext.gloucestershire.gov.uk/uuCoverPage.aspx?bcr=1</p> <p>Alternatively a hard copy is available for inspection from Jo Moore, Democratic Services Unit, e-mail: jo.moore@gloucestershire.gov.uk.</p>

Human rights Implications	Planning-related decisions can impact on an individual's rights under the Human Rights Act 1998. The planning system allows people to exercise their rights to make formal representations on plans when they are being developed. There are opportunities for views to be made and to be taken into account by the respective planning authority. A strong framework is in place to ensure the protection of people's rights.
Consultation Arrangements	Contained in the main body of the report.