

Committee Name and Date of Committee Meeting

Cabinet – 20 May 2019

Report Title

Consultation on Draft Revised Statement of Community Involvement

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

Cabinet approval is sought to undertake consultation on a Draft Revised Statement of Community Involvement.

The requirement to prepare a Statement of Community Involvement is set out in the Planning and Compulsory Purchase Act 2004. The Statement of Community Involvement sets out how the Council involve local communities in planning for the future of the Borough through the preparation of the Local Plan and other planning policy documents, and the determination of planning applications. This report recommends going out to consultation on the draft document contained in Appendix 1.

Recommendations

1. That approval be given to public consultation on the Draft Revised Statement of Community Involvement, as detailed in Appendix 1.
2. That following consultation a further report be brought to Cabinet in October 2019 to consider the adoption of the Statement of Community Involvement.

List of Appendices Included

Appendix 1 Draft Revised Statement of Community Involvement 2019

Background Papers

Current Statement of Community Involvement (adopted 2015):

https://www.rotherham.gov.uk/downloads/file/2397/statement_of_community_involvement_june_2015

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 15 May 2019

Council Approval Required

No

Exempt from the Press and Public

No

Consultation on Draft Revised Statement of Community Involvement

1. Background

- 1.1 Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to produce a Statement of Community Involvement (SCI). The SCI sets out how and when stakeholders can influence new planning policy documents covering Rotherham, how information will be communicated and the ways in which individuals and organisations can comment on planning applications. It is critical in encouraging engagement in the planning process with the communities and stakeholders of Rotherham and a range of other statutory consultees.
- 1.2 Following changes in legislation the contents of what a SCI should contain are now much less prescriptive. Nonetheless, for a development plan document to be found sound at independent examination it must be demonstrated that it has been prepared in accordance with the Council's adopted SCI.
- 1.3 On 3 June 2015 the Council adopted a new simplified and user-friendly document SCI (Council meeting 3/6/15, minute 19 refers). Councils must review their SCI every 5 years from the adoption date.
- 1.4 Following adoption of the Local Plan Sites and Policies document in June 2018, this effectively completes the current cycle of Local Plan production in Rotherham. As such it is an appropriate and timely point at which to review and revise the current SCI and will also enable the Council to fulfil the duty of reviewing the SCI within the 5 years required.

2. Key Issues

- 2.1 The existing SCI has been reviewed, updated and a draft revised SCI prepared. This is attached at Appendix 1.
- 2.2 It sets out who the Council will involve in plan making and planning decisions and how this will be achieved. It provides three clear sections outlining:

Our overall approach to community engagement – setting out key principles and making clear the roles of officers and Councillors.

How people can influence the Local Plan – establishing the documents that form the Local Plan and other related documents that may be produced, setting out who the Council will involve and how. In line with the Council's Customer Access Strategy it clarifies that for environmental, efficiency and cost reasons, contact will be via email. The Council will not normally send letters about the Local Plan by post, unless it is a legal requirement.

How people can be involved in planning decisions – setting out the pre-application and planning application processes, how people can be involved in decisions, and clarifying how decisions are made. It clarifies that in addition to planning application information being made available online, people may be notified of applications in a number of ways.

2.3 The SCI also includes details of the organisations and other bodies that the Council is legally required to consult and involve in the preparation of planning documents, and guidance on what is, and what is not a material consideration when determining planning applications

3. Options considered and recommended proposal

Option 1: do not carry out public consultation

3.1 The Council has a statutory duty to prepare and keep up to date a Statement of Community Involvement under The Planning and Compulsory Purchase Act (2004) and The Town and Country Planning, (Local Planning) (England) Regulations 2012. There is however no requirement for Councils to consult on draft SCI documents prior to adoption.

Option 2: undertake public consultation

3.2 The Council could undertake public consultation on the draft SCI, to ensure that the views of the local community and other stakeholders are taken into account.

3.3 Option 1 is not considered appropriate. The Council has consulted on the previous draft SCI and it remains good practice to do so. Option 2 is therefore recommended, and that public consultation on the draft SCI is undertaken prior to preparing a final document.

4. Consultation on proposal

4.1 A four week consultation period is proposed. It is suggested that this is undertaken in alignment with proposed consultation on a number of draft Supplementary Planning Documents (subject to separate consideration by Cabinet). This approach promotes efficiency and assists in reducing the potential for consultation fatigue.

4.2 Consultation will be undertaken via the Council's planning consultation website. This notifies interested parties (including statutory consultees, Parish Councils, members of the public and other stakeholders) on the Local Plan consultation database and allows and encourages comments to be submitted online. A summary of the consultation plan is set out below:

Where will the draft documents be available to view?

The draft revised SCI will be available to view on the Council's planning consultation website at <http://rotherham.limehouse.co.uk/portal>

Printed copies of the draft SCI will be available to view at the Council's main offices at Riverside House during normal office hours.

How will people know about the draft SPD?

The Council's Planning Service maintain a database of those interested in preparation of the Local Plan and other planning documents. They will be notified of the consultation by email.

Notification will also be sent to any relevant stakeholders identified whose details are not held on the consultation database.

The Council's Planning webpages will be updated to provide details of the consultation and how to provide comments.

Notices publicising the consultation will be placed in the local press and a press statement will be issued.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Subject to approval by Cabinet, it is proposed to undertake public consultation over a four week period from 10 June to 8 July 2019.
- 5.2 Following consultation any comments received will be considered in producing a final version of the SCI. A further report will then be brought to Cabinet detailing the main issues raised and how these have been addressed, and seeking adoption of the revised SCI. It is expected that the final SCI, following consultation, will be brought to Cabinet in the Autumn of 2019.

6. Financial and Procurement Advice and Implications

- 6.1 The proposed consultation will be carried out via the Council's planning consultation website. Any additional costs associated with this consultation will be limited to minimal printing and advertising costs. These costs will be managed within the Service's existing approved revenue budget.

7. Legal Advice and Implications

- 7.1 Option 2 is necessary to ensure (as much as possible), that the Council complies with the relevant law(s), fulfilling its statutory duty and mitigating any risks of challenge.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications associated with undertaking consultation on the draft revised SCI.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for children and young people and vulnerable adults associated with undertaking consultation on the draft revised SCI. The SCI will establish how all of Rotherham's communities can be involved in plan making and decisions on planning applications. This works alongside other Council strategies to deliver local priorities for development and promote effective and worthwhile community involvement.

10. Equalities and Human Rights Advice and Implications

10.1 There are no equalities or human rights implications associated with undertaking consultation on the draft revised SPD. The SCI will establish how all of Rotherham's communities can be involved in plan making and decisions on planning applications.

11. Implications for Partners

11.1 The implications for partners or other directorates are mainly associated with the consultation on the draft revised SCI and to ensure partners and directorates are fully engaged in the process.

12. Risks and Mitigation

12.1 It can be difficult to ensure compliance with the Government's desire for extensive community participation whilst also achieving timely processing of planning applications and quicker Local Plan preparation. The SCI seeks to resolve this contradiction by setting out an appropriate approach to public consultation on planning documents and planning applications.

12.2 The Council has a statutory duty to prepare and keep up to date a Statement of Community Involvement under The Planning and Compulsory Purchase Act (2004) and The Town and Country Planning, (Local Planning) (England) Regulations 2012.

12.3 When a Development Plan Document is subject to independent examination it is subject to a legal "test of soundness". The Council must demonstrate the Development Plan Document has been consulted on as set out in the Council's adopted SCI. It is also equally important that consultation on planning applications is carried out in accordance with the SCI so that decisions are not subject to legal challenge.

13. Accountable Officer(s)

Bronwen Knight, Acting Assistant Director, Regeneration & Environment

Approvals obtained on behalf of:-

	Named Officer	Date
Strategic Director of Finance & Customer Services (S.151 Officer)	Graham Saxton	13/02/19
Assistant Director of Legal Services (Monitoring Officer)	Bal Nahal	23/04/19
Assistant Director of Human Resources (if appropriate)	John Crutchley	12/02/19
Head of Procurement (if appropriate)	Joanne Kirk	15/02/19

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