

Committee Name and Date of Committee Meeting

Cabinet – 21 October 2019

Report Title

Adoption of a 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

The Statement of Community Involvement (SCI) sets out how the Council involves 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. It is a legislative requirement that the Council has a Statement of Community Involvement for planning-related consultations and reviews it every five years.

The report outlines the outcome of consultation on a draft revised Statement of Community Involvement. Under Article 3 of the Constitution, the SCI forms part of the policy framework. As such, only a meeting of the Council can adopt a revised SCI. Cabinet approval is therefore sought to recommend to Council that the current Statement of Community Involvement is withdrawn and the revised document is adopted.

Recommendations

1. That Council be recommended to withdraw the current Statement of Community Involvement (2015).
2. That Council be recommended to adopt the revised Statement of Community Involvement (2019).

List of Appendices Included

- Appendix 1 Equality Analysis Screening
- Appendix 2 Equality Analysis Form
- Appendix 3 Draft SCI Consultation Statement
- Appendix 4 Revised Statement of Community Involvement

Background Papers

Statement of Community Involvement (adopted June 2015)

https://www.rotherham.gov.uk/info/200074/planning_and_regeneration/893/a_guide_to_how_you_can_influence_planning_decisions

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 October 2019

Council – 30 October 2019

Council Approval Required

Yes

Exempt from the Press and Public

No

Adoption of 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 The Council's current SCI was adopted in June 2015. 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 to review and revise the current SCI and fulfil the duty of reviewing the SCI within the five years required.
- 1.3 Public consultation on a draft revised SCI was approved by Cabinet on 20 May 2019 (minute 153 refers), and took place between 10 June and 8 July 2019. Representations were received from nine individuals or organisations. Further detail of the consultation process, including a summary of the representations received and the Council's response, is set out in the consultation statement at Appendix 3.

2. Key Issues

- 2.1 The main issues raised in the representations were:
- Seeking further detail on consultation activities and methods, contact details, guidelines for community consultation and petitions.
 - Appendix A should include reference to geodiversity interest, and loss of property value and loss of a view should be identified as "Material Considerations".
 - The Joint Radio Company Limited should be consulted on any planning application involving wind turbines.
 - For planning applications, it does not identify who and when the Council will consult and involve.
 - Concerns about the SCI consultation process.
 - Concerns about the Council decision making process and other consultations.
 - The "Digital First" approach excludes those without access to those services.
 - Consultations should be advertised in local newspapers and libraries with a paper copy of the document.
 - Consultation forms should include more open ended free text options.
 - Concern regarding health and safety issues in relation to wireless telecommunications technology.

2.2 In response to the representations received a number of changes to the document have been made. These are set out in the Consultation Statement at Appendix 3. In summary the changes:

- Provide further detail regarding pre-application community consultation.
- Refer to applicants providing information on how they carry out pre-application public consultation.
- Provide further detail regarding consultation with statutory and non-statutory consultees.
- Include reference to geodiversity in relation to material planning considerations.

2.3 In addition, reference has been made to joint working agreements with town and parish councils and a separate protocol which provides further specific guidance on how parish and town councils are involved in consultation on planning applications.

2.4 The text of the revised SCI incorporating the above amendments is included at Appendix 4. The final version published on the Council's website may include minor formatting and presentational changes.

3. **Options considered and recommended proposal**

3.1 **Option 1: adopt the SCI without incorporating the proposed changes**
The Council could adopt the SCI without incorporating the proposed changes. This option is not recommended, as it does not reflect an appropriate response to issues raised by consultees during the public consultation exercise.

3.2 **Option 2: adopt the SCI incorporating the proposed changes**
The Council could adopt the SCI incorporating the proposed changes. This is the recommended option, as it ensures an appropriate response to the representations received during the consultation period and would result in the adoption of an up to date and fit for purpose document.

3.3 Option 2 is the recommended option.

4. **Consultation on proposal**

4.1 The main body of this report summarises the consultation process, responses and the Council's proposed changes. The detail of the consultation process is provided in Appendix 3 Draft SCI Consultation Statement.

4.2 In addition to this, internal consultation has taken place with the Council's Development Management team who have provided input into the assessment of representations received, the Council's response and the proposed changes. The Council's Customer Information & Digital Services Manager was also consulted on the draft SCI and approach to public consultation.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Subject to approval by Cabinet, the revised SCI at Appendix 4 would be recommended to Council for adoption at the next available meeting.
- 5.2 On adoption, the current SCI would be withdrawn and the revised SCI would be made available on the Council's website. The Council would then be required to carry out future planning consultations in accordance with the revised SCI.

6. Financial and Procurement Advice and Implications

- 6.1 The consultation was carried out via Planning Policy's on-line consultation portal, therefore the printing and advertising costs incurred of approximately £500, were managed within the Service's existing approved revenue budget. The adopted SCI will primarily be made available on the Council's web-site, so any costs associated with the adoption of this document will also be managed within the Service's existing approved revenue budget.
- 6.2 There are no direct procurement implications within this report.

7. Legal Advice and Implications

- 7.1 The Council has already sought to encourage engagement in the planning process and the second option at 3.2 incorporates the outcome of the consultation and representations received.
- 7.2 There may be a legitimate expectation from the representatives to this effect.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications associated with the adoption of the 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 adoption of the draft revised SCI. The SCI establishes 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 The SCI establishes how all of Rotherham's communities can be involved in plan making and decisions on planning applications. Whilst the SCI strongly encourages a digital first approach, alternative arrangements to ensure access may be made on a case by case basis.

11. Implications for Partners

- 11.1 The implications for partners or other directorates are mainly associated with how stakeholders can engage with the Council in the preparation of planning documents or decision making in relation to planning applications.

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 revised SCI resolves 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". To pass this test, the Council must demonstrate the Development Plan Document has been consulted on in accordance with the adopted SCI. It is 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 Officers

Bronwen Knight, Head of Planning and Transport

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	07/10/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/10/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	01/10/19

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