



**Epping Forest
District Council**

Report to the Cabinet

Report reference: C-019-2019/20

Date of Meeting: 18 November 2019

Subject: Statement of Community Involvement

Responsible Officer: Alison Blom-Cooper (01992 564066)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

That the Statement of Community Involvement attached as Appendix A be approved for adoption

Executive Summary:

The preparation of an SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. The legislation requires the Council to prepare a statement setting out how it will notify and consult the community and other stakeholders in the preparation and review of planning policy which includes: the Local Plan; supplementary planning documents; neighbourhood plans; policy such as that contained in master plans; and in the consideration of planning applications. A draft Statement of Community Involvement was considered by Cabinet on 13 June 2019 and it was agreed to publish for a six week period of public consultation. This took place between Monday 1 July 2019 and 13 August 2019. This report sets out the responses to the consultation and proposed final Statement of Community Involvement (SCI) for adoption.

Reasons for Proposed Decision:

To comply with the statutory requirement to review the SCI every five years and to update the SCI to include recent changes in legislation and practice.

Other Options for Action:

Not to adopt a new SCI. This would mean that the Council is not meeting the legislative requirements and is not seeking an up to date, fit for purpose, statement regarding the engagement of stakeholders and the public in the planning service and system.

Background:

1. The Council's Statement of Community Involvement (SCI) explains how it intends to involve the community in the preparation and review of local planning policies and the

consideration of planning proposals. The SCI aims to set out clearly how the Council will engage at each stage of preparation of a Local Plan or other policy document and during the consideration of planning proposals including the pre-application process.

2. The preparation of an SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. The legislation requires the Council to prepare a statement setting out how it will notify and consult the community and other stakeholders in the preparation and review of planning policy which includes: the Local Plan; supplementary planning documents; neighbourhood plans; policy such as that contained in masterplans; and in the consideration of planning applications.

3. In February 2013 the Council adopted a Statement of Community Involvement. Since that time public expectations in respect of engagement in the planning system have risen and many changes have occurred in practice and legislation in the planning system. In addition, the Council increasingly uses electronic communications methods with stakeholders and the general public, and the nature and scale of development in the District is changing with the preparation and examination of the Local Plan Submission Version 2017. For these reasons it is timely to update the Council's SCI.

4. In addition, the national changes to the planning system have been translated in legislation to requirements regarding the content of the SCI. These include:

- a. A statutory requirement to review the SCI every five years.
- b. A requirement that the SCI include the policies of the Council in respect of its duty to give advice and assistance to neighbourhood plan qualifying bodies [Parish and Town Councils] in the preparation and modification of neighbourhood plans.
- c. The introduction of the General Data Protection Regulations (2018) in respect of the handling and storage of data by the Council.

5. This SCI has been written to explain to people who are new to planning what to expect from the Council in their dealings with regard to engaging in planning policy development and the consideration of planning proposals. The front page contains details of how to contact planning officers.

6. The preparation of all planning policy documents that the Council produces must comply with the adopted SCI. For Local Plans this is tested during the Local Plan examination process. It is therefore important that the practices of the Council and the provisions in the SCI reflect each other.

7. The SCI notes the context of the general consultation principles found in the Council's Public Consultation and Engagement Policy and Strategy 2012. It contains sections in respect of Planning Policy, the Harlow and Gilston Garden Town, Neighbourhood Development Plans and Planning Proposals.

8. The Planning Policy section explains with whom the Council is required to engage, the broad stages of plan making and what to expect at each stage. It explains what the Council does with the comments received and issues raised and how the personal details of

those engaging will be kept and handled. The methods of publicity surrounding key stages of plan making are also set out. In addition, the less complex process of production of supplementary planning documents is briefly explained.

9. The Harlow and Gilston Garden Town section is included as it is important to ensure that the public and other stakeholders understand that this is a project resulting from joint local authority working and responsibilities are shared in respect of achieving high quality development on the ground. It sets out the agreed consultation principles with East Herts and Harlow District Councils.

10. The Neighbourhood Development Plan section explains both how the Council will publicise these plans, and the Council commitments to delivering support to Parish and Town Councils in the production of their neighbourhood development plans.

11. The Planning Proposals section encompasses all stages, including the pre application stage of consideration of proposals. It explains the Council's use of masterplans and concept frameworks and importantly, the expectations of the Council in respect of how developers should seek the engagement of communities in the formulation of their proposals on strategic sites as identified in the Local Plan. It notes that Town and Parish Councils will be briefed in this regard prior to the general public engagement that will take place with the neighbouring communities. The role of the Quality Review Panel and its purpose in ensuring development of the highest standard are explained.

12. The full potential process of pre application activity on proposals is set out in the SCI including a brief explanation of the Council's pre application service and the use of planning performance agreements. The role of the Development Management Forum is highlighted whilst the SCI includes signposting to further details in respect of pre application processes.

13. The formal application and post application stages are also explained including how people are notified of applications, determination periods and where decisions are recorded, as well as some detail regarding appeals in respect of decisions. Some detail is also included in a section "Outside the full planning application process" that encompasses prior approvals, permission in principle and the processes associated with Neighbourhood Development Orders and Community Right to Build Orders.

14. As part of the process of production of a Statement of Community Involvement the Council is required to consult stakeholders and the general public on its contents. The Draft Statement of Community Involvement was the subject of public consultation between June and August 2019. Consultation took place by way of notification of all those on the Councils planning policy database, via publicity in social media and through the Councils website. The Council received 26 responses to the consultation document. These are summarised together with the proposed response/alteration to the Statement of Community Involvement in Appendix B. Proposed amendments to the Statement of Community Involvement are shown in italics in Appendix B and as track changes on the SCI document at Appendix A. Cabinet is asked to agree the proposed amendments and incorporate into the proposed Statement of Community Involvement for adoption.

Resource Implications:

The activities in relation to the consultation and publication of the SCI are all to be met within the 2019/20 budget.

Legal and Governance Implications:

The update of the SCI will bring the approach into line with the statutory requirements.

Safer, Cleaner, and Greener Implications:

This relates only in so far as the engagement of stakeholders in the process of planning policy production and planning applications may have positive impacts on these objectives and the consultation will be undertaken on line as far as is possible, saving other resources.

Consultation Undertaken:

The SCI has been developed within the Planning Service and discussed at the Local Plan Officer Working Group and with officers from the Garden Town Team and East Herts and Harlow District Councils.

Background Papers:

Epping Forest District Council Statement of Community Involvement February 2013

Risk Management:

The Council reduces the risk of challenge in respect of the validity of the SCI by updating the document. To avoid the risk of a policy document in production not meeting the requirements of the new SCI the period of consultation and publication have been carefully timed.