

LOCAL PLAN SUB COMMITTEE - 18 JANUARY 2021

PART I – NOT DELEGATED

5. LOCAL PLAN: STATEMENT OF COMMUNITY INVOLVEMENT (DCES)

1 Summary

1.1 To seek Members' approval to adopt an addendum to the Statement of Community Involvement which provides the Council with an up-to-date commitment to how it will consult on planning policy documents and individual planning applications in line with current legislation and guidance relating to the COVID-19 pandemic.

1.2 The proposed amendments in the addendum are temporary and will apply up until such a time when legislation and guidance allows the Council to safely revert back to the original Statement of Community Involvement which was adopted in June 2020.

2 Details

2.1 A Statement of Community Involvement (SCI) is required under Section 18 of the Planning and Compulsory Purchase Act (2004) and must set out how and when the local community can become involved in the preparation of Local Plan documents in consideration of planning applications. The Council must comply with its adopted SCI when preparing its Local Plan and this compliance will be tested when these are independently examined.

2.2 Due to COVID-19 related restrictions/guidance, the Council is unable to comply with some policies in the SCI (June 2020) and therefore an addendum must be prepared in order to ensure compliance between the SCI and the Council's approach to community engagement/consultation whilst such restrictions are in force.

2.3 The original adopted Statement of Community Involvement was adopted in June 2020 and is shown at Appendix 1. This should be read alongside the proposed addendum at Appendix 2.

2.4 Planning Policy

2.5 National Planning Practice Guidance (PPG) has been updated due to the COVID-19 Pandemic and recommends "Where any of the policies in the Statement of Community Involvement cannot be complied with due to current guidance to help combat the spread of coronavirus (COVID-19), the local planning authority is encouraged to undertake an immediate review and update the policies where necessary so that plan-making can continue"¹.

2.6 The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 have been changed to temporarily remove legal requirements to make certain development plan documents available for inspection at premises and to provide hard copies on request. The documents must, instead, be made available for inspection online. Due to the continuing uncertainty about the spread of Covid-19, these Regulations have been extended to apply until 31 December 2021.

¹ NPPG Plan-making, Paragraph: 077 Reference ID: 61-077-201200513

2.7 As both the Regulation 18 and 19 consultations on the Local Plan are scheduled to take place before 31 December 2021², it is necessary that the Statement of Community Involvement is updated to reflect changes in legislation, guidance and national social distancing measures in order to allow for plan-making to progress.

2.8 Below is a summary of continued or amended approach to each of the consultation techniques in regards to planning policy (including in the review of the Local Plan and Neighbourhood Planning duties):

- Written/email consultation: Written/email consultation can continue and will include contact details to the Planning Policy Department so that contact can be made from any person who may encounter difficulty in accessing online documents. Notifications will be sent by email in the first instance and by letter to any person/organisation who has not provided an email address previously.
- Documents available for inspection: As local libraries and Three Rivers House are not open for public visits during the pandemic and the legal requirement to make development plan documents available for inspection at certain premises has been removed, the addendum states that hard copies will no longer be made available at Three Rivers House or local libraries. Instead, a public notice will be posted at Three Rivers House and local libraries where possible which will inform the reader of the relevant document/consultation and how and where documents can be viewed on the Council's website. Contact details to the Planning Policy Department will also be included in the public notice to assist any person encountering difficulties in accessing online documents.
- Details on the Council's website: Details on the Council's website will no longer include information on when and where documents can be inspected in hard copy. All documents for public consultation and supporting information will continue to be available online.
- Details in press: Public notices will continue to be published in press in so far as they are circulating in the District.
- Meetings with Stakeholders: Whilst social distancing measures are in place, it will not be possible to hold face-to-face meetings. Meetings with stakeholders will therefore take place in a virtual setting.

2.9 The addendum states that where any person is having difficulty accessing documents online, the Planning Policy Department can be contacted for assistance in accessing documents in the first instance. If online access is unachievable, the Council will provide hard copies on request where it is deemed safe to do so.

2.10 Planning Applications

2.11 In the context of determining planning applications, PPG states that "Local planning authorities may need to consider updating their SCI to explain how they will ensure

² Local Development Scheme (November 2020) <https://www.threerivers.gov.uk/egcl-page/local-development-scheme>

local communities are consulted about planning applications, where they are unable to comply with normal requirements”³.

- 2.12** The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 temporarily grant local planning authorities (and in the case of certain applications for EIA development, applicants) greater flexibility in relation to the way they publicise planning applications until 30 June 2021. This relates to neighbour notification letters, site notices and notices in local newspapers.
- 2.13** The only change in respect of publicising planning applications stated in the addendum relates to site notices. The addendum states that applicants will be sent a covering letter and site notice(s) by post and the onus is on the applicant to display notices on behalf of the Council (prior to COVID-19 related restrictions/guidance, Officers displayed site notices). The applicant or agent is required to provide photographic evidence to the case officer to confirm that the site notice has been displayed. This process has been in place since 26 March 2020 and will be kept under review in light of restrictions and guidance. No changes to the use of neighbour notification letters and the publication of notices in the local press have been implemented over the course of the COVID-19 pandemic so far and are therefore not proposed in the addendum.
- 2.14** The addendum also states that face-to-face community engagement events will not be possible for consultations on pre-applications and must instead take place in a virtual setting in so far as social distancing measures are in place. Information from developers in community consultations on pre-applications should also be distributed online rather than in hard copy format.
- 2.15** In the event of changes by the Government to the requirements for preventing the spread of COVID-19, this addendum will be reviewed and either updated or suspended, as appropriate. An update or suspension to the addendum will be reported back to the Local Plan Sub Committee and the Policy and Resources Committee.

3 Options and Reasons for Recommendations

- 3.1** The Council is required under Section 18 of the Planning and Compulsory Purchase Act (2004) to produce an up to date SCI. National Planning Practice Guidance also recommends that local planning authorities review and update SCIs if existing policies in the SCI cannot be complied with due to COVID-19 guidance. Were the Council not to produce an up to date SCI or comply with the SCI in preparing the Local Plan, the Local Plan would risk failing at examination. As such, there are no alternative options.

4 Policy/Budget Reference and Implications

- 4.1** The recommendations in this report are within the Council’s agreed policy and budgets to prepare a Local Plan.

5 Financial Implications

- 5.1** The Director of Finance comments that there are no financial implications arising as a result of this report. The work to prepare the addendum to the SCI has been

³ NPPG Consultation and pre-decision matters, Paragraph: 047 Reference ID: 15-047-20200513

undertaken by Officers and the temporary changes in approach will be implemented by Officers as part of their day-to-day duties and no additional expenditure has been incurred.

6 Legal Implications

6.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement. Local Planning Authorities must comply with SCIs in the preparation of Local Plan documents and if there is non-compliance, a Local Planning Authority may be open to legal challenge at examination. Due to COVID-19 related restrictions/guidance, the Council is unable to comply with some of the statements in the SCI (June 2020). Therefore an addendum must be prepared and adopted in order to ensure compliance between the SCI and the Council's approach to community engagement/consultation whilst such restrictions are in force.

7 Equal Opportunities Implications

7.1 Relevance Test

Has a relevance test been completed for Equality Impact?	No
Did the relevance test conclude a full impact assessment was required?	N/A

8 Staffing Implications

8.1 None, the work to prepare the addendum to the SCI has been undertaken by Officers and the temporary changes in approach will be implemented by Officers as part of their day-to-day duties.

9 Environmental Implications

9.1 None specific.

10 Community Safety Implications

10.1 The CSC will be briefed to advise on whom to contact regarding the Statement of Community Involvement.

11 Public Health implications

11.1 None specific.

12 Customer Services Centre Implications

12.1 None specific.

13 Communications and Website Implications

The addendum to the SCI and supporting information will be available on the Council's website.

14 Risk and Health & Safety Implications

14.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

14.2 The subject of this report is covered by the Economic and Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Failing to adopt the addendum Statement of Community Involvement	The Local Plan could be found unsound at examination	Terminate	The risk can be avoided by adopting the addendum to the Statement of Community Involvement	Medium

14.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
Low	Low	Medium	High	
2	4	6	8	
Low	Low	Low	Low	
1	2	3	4	
Impact				
Low -----> Unacceptable				

Impact Score

4 (Catastrophic)

Likelihood Score

4 (Very Likely (≥80%))

3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

14.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

15 Recommendation

15.1 That the Local Plan Sub Committee note the contents of this report and recommend to the Policy and Resources Committee the adoption of the Addendum to the Statement of Community Involvement as set out in Appendix 2.

Report prepared by: Lauren McCullagh, Planning Officer

Background Papers

Statement of Community Involvement 2020

Planning and Compulsory Purchase Act (2004)

The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020

Town and Country Planning (Local Planning) (England) Regulations 2012

Local Development Scheme (November 2020)

National Planning Practice Guidance

APPENDICES / ATTACHMENTS

Appendix 1 Statement of Community Involvement June 2020

Appendix 2 Proposed Addendum to the Statement of Community Involvement