

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY SUB-COMMITTEE ON 30 JUNE 2018

PART A : REPORT

SUBJECT: Arun Statement of Community Involvement

REPORT AUTHOR: Kevin Owen, Planning Policy Team Leader

DATE: 10 June 2020

EXTN: X 37853

PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

The Statement of Community Involvement (SCI) adopted by Full Council in January 2019 sets out the Council's method and many ways which it will use to consult with residents, businesses and organisations in Arun in order to help shape plan making and decision making.

Government statements and Planning Practice Guidance published in May 2020 explain that the Covid-19 pandemic and restrictions introduced with social distancing, requires an immediate review of the SCI in order to identify and publicise temporary alternative compensatory arrangements because some methods of consultation cannot be undertaken legally or safely.

RECOMMENDATIONS:

The following actions are recommended: -

1. That the Planning Policy Sub-Committee note the temporary arrangements to be put in place to publicise and compensate for commitments that the authority is unable to make on depositing documents for inspection and face to face engagement while the Covid-19 social distancing measures remain in place.

1. BACKGROUND:

- 1.1 It is a requirement of the Planning and Compulsory Purchase Act 2004 for a local planning authority to produce a Statement of Community Involvement (SCI). The document sets out the standards to be met by the authority in terms of community involvement, building upon the minimum requirements set out in Planning Regulations. Compliance with the SCI is considered alongside legal compliance when a development plan is submitted for examination.
- 1.2 Put simply, the SCI lets residents, businesses and organisations know when and how they can be involved in both the preparation of planning policy documents and decisions on planning applications.

- 1.3 The recent publication of Planning Practice Guidance (PPG) advice in May 2020 provides local authorities with advice on how to deal with the current issues posed by social distancing restrictions when consulting and engaging on plan making. The Government's expectation is that progress on plan making should continue.
- 1.4 The 'SCI Immediate Review' document (Background paper 1) follows the PPG guidance by identifying those consultation actions that can remain and those that will be temporarily suspended and alternative means to be used, where possible, to compensate for the duration of the social distancing regime.
- 1.5 The key areas where temporary suspensions apply concerns making hard copy planning documents available including for public inspection at council offices, local libraries and other deposit points. In addition, commitment to face to face meetings, exhibitions and workshops which cannot now take place. However, legal advice is to compensate as far as possible – virtual meetings, briefings and workshops can be used – ensuring that publicity is given with notices in the local press and social media and having extended consultation periods.
- 1.6 There is no legal requirement to consult on an SCI although it is considered good practice. The SCI explains that it will be relatively robust and only need to be kept under review to respond to any significant changes to national policy (e.g. Legislation regulations) and best practice or monitoring on how consultations perform. The SCI identifies who will be consulted in any changes to it within Appendix 2 to the SCI. However, the changes being proposed are only temporary and contingency measures in accordance with the PPG and are not a mainstream review of the SCI but reflect current reality on the ground. There is an element of risk that people who do not have access to electronic means may feel they are not properly engaged and consulted with these temporary measures. The council will make more use of publicity and work with the Parish Councils and other representative groups on measures to try to minimise this risk.
- 1.7 It should be noted that the requirement for documentation to be deposited at publicly accessible inspection points is also set out in Regulation 35 the Town and Country Planning (Local Planning) (England) Regulations 2012 and affects consultations on development plan documents (e.g. at Regulation 19 'Publication' stage) Supplementary Planning Documents (Regulation 12b and 13 representations and public participation). Legal advice is that until this regulation is changed it cannot be fully complied with (or until offices and other inspections points are open to the public) which remains a risk. However, the advice suggests that alternative pragmatic, transparent and temporary measures (such as in section 1.5 above) can be considered so that plan making can continue.
- 1.8 These measures are temporary and pragmatic and are similarly, being considered by local authorities nationally in response to the PPG and therefore, it is considered that a consultation on a revised SCI is unnecessary and there is no need for adoption at Full Council. The unprecedented situation and current reality means that these temporary changes should be made clear and publicised on the council's web site (i.e. the 'SCI Immediate Review' document - Background paper 1) alongside the existing SCI as soon as possible.

1.9 Further progress reports may be presented to the Planning policy Sub-Committee as national policy develops, the situation continues and is kept under review.		
2 PROPOSAL(S):		
2.1 The SCI Immediate review be published on the council's web site alongside the SCI setting out the temporary measures that will apply to ensure that the authority can maintain progress on plan making.		
3. OPTIONS:		
3.1 The range of options available are to; publish the SCI Immediate Review on the council's web site so that the development plan and Supplementary Planning Documents (SPD) are prepared to guide future development; or not to approve the SCI Immediate Review with the risk that the development plan and SPD are not kept up to date for decision making.		
4. CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	x	
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
6. IMPLICATIONS:		
<p>Financial: there is a cost implication when undertaking a period of consultation, the methods proposed may have an implication for the planning budget (e.g. additional publicity) although this has been budgeted for.</p> <p>Legal: the SCI should be prepared taking in to account the relevant legislation including: The Town and Country Planning (Development Management Procedure) Order 2015 which establishes requirements for consultation on planning applications, and the Town and Country Planning (Local Planning) (England) Regulations 2012 which set out minimum standards for community engagement in the development of planning policy. In</p>		

addition, the Localism Act 2011 introduced a legal duty on local planning authorities to engage constructively, and on an ongoing basis on strategic cross District/Borough issues, and to support neighbourhood forums wishing to take forward neighbourhood plans.

7. REASON FOR THE DECISION:

To ensure that Arun maintains effective and timely preparation of its development plan so that development management decisions relating to development within the District accord with up to date development plans consistent with sustainable development.

8. EFFECTIVE DATE OF THE DECISION:

9. BACKGROUND PAPERS:

1. The 'SCI Immediate Review' document and SCI 2018 are available on the Council's web site:-<https://www.arun.gov.uk/statement-of-community-involvement-sci-engagement>