

Statement of Community Involvement (amendment)

Report of the Planning Portfolio Holder

Recommended:

That the Statement of Community Involvement in Planning (2023), be amended as set out in section 6 to the report.

SUMMARY:

The purpose of the Statement of Community Involvement (SCI) is to set out the statutory consultation measures that the Council must undertake, along with any additional steps it wishes to undertake which go beyond these requirements, when consulting on Planning Policy documents and publicising planning applications. It has been identified that text within the document, in relation to parish council notification, requires clarification and amending. The recommendation is that an amendment is made as set out in section 6 (paragraph 6.3) of the report.

1 Introduction

- 1.1 The purpose of the Statement of Community Involvement (SCI) is to set out the statutory and additional consultation measures that the Council will undertake when consulting on Planning Policy documents and publicising planning applications.
- 1.2 The SCI complements the Council's broader commitment contained within its Corporate Plan with regards to promoting positive community engagement with local communities, businesses, and interest groups. The preparation of an SCI is a legal requirement and, once adopted, the Council needs to ensure that it operates in accordance with its provisions.
- 1.3 It has been identified that text within the current Statement of Community Involvement in Planning approved by Cabinet on 18 January 2023 regarding parish council notification in relation to planning applications, requires clarification. The purpose of this report is to seek approval for that change.

2 Background

- 2.1 The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (as amended) and once adopted, the Council needs to be consistent with its content. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review Statements of Community Involvement at least once every 5 years from their adoption. Following public consultation the SCI was adopted by the Council in January 2023.

- 2.2 Within the ‘community involvement in planning’ section of the SCI (at para 11.12) it sets out that:-

“Parish Councils (PC) are statutory consultees in the planning process and must be informed of all planning applications, and any amendments to those applications, within the parish. The PC can only comment on these planning applications in the same way as any other member of the public, however, any comments by the PC must be agreed during a properly called public council meeting”. [author’s emphasis].

- 2.3 The requirement underlined is inconsistent with the requirements under the Town and County Planning Act (1990) (as amended). As the SCI has been adopted it is necessary to seek Cabinet approval for any amendment. The purpose of this report is to seek that approval.

3 Corporate Objectives and Priorities

- 3.1 The SCI complements the Council’s broader commitment contained within its Corporate Plan with regards to promoting positive community engagement with local communities, businesses, and interest groups.

4 Consultations/Communications

- 4.1 Within the National Planning Practice Guidance (2019) it sets out that *“There is no requirement for local planning authorities to consult when reviewing and updating their Statement of Community Involvement.¹”* As the recommendation relates to a relatively small change to bring the text in the document in line with the legislation it is based upon it is not considered necessary to undertake formal consultation on the proposed amendment.

5 Options

- 5.1 The options are:

5.1.1 Option 1 to amend the SCI as recommended;

5.1.2 Option 2 to make some other form of amendment or

5.1.3 Option 3 - to leave the adopted SCI as it currently stands.

6 Option Appraisal

- 6.1 As written, para 11.12 implies that PCs will be notified of all amendments to planning applications. However, this is not accurate, and the text should be read in the context of the corresponding legislation. The Town and Country Planning Act (1990) (as amended) sets out that a Local Planning Authority does not have to notify a PC if there is any alteration to a planning application accepted by the authority *unless* a PC has so requested in writing. If this request has been provided then it is only applicable if the alteration in the

¹ NPPG Paragraph: 035 Reference ID: 61-035-20190723. Revision date: 23 07 2019

opinion of the LPA is not “trivial”. There is no definition of trivial in the act. It is for the LPA to decide what is trivial or not and this would need to be considered on a case by case basis because it would depend upon the nature of the proposed development and type of amendment proposed. A substantive change would in any event trigger a fresh application and consultation. Other amendments (more than trivial), which were considered significant so likely to be of wider interest , but did not need to be subject of a fresh application, would often be subject to re-publicity including where appropriate the PC. This can enable an opportunity for PCs to be consulted again and to provide their comments on the amended plans.

6.2 Due to the inconsistency as described above, leaving the provision un-amended as it stands as per Option 3 above is not recommended. Similarly, the proposed amendment set out below is as a result of professional officers’ recommendation for wording that fully reflects the legislative position. For that reason, Option 2 is not recommended and Option 1 is the recommended option.

6.3 In order to provide clarity of the requirements of the legislation it is recommended that the text of para 11.12 be amended to read:-

“Parish Councils (PC) are statutory consultees in the planning process and must be informed of all planning applications, ~~and any amendments to those applications,~~ within the parish if they so request. The PC can only comment on these planning applications in the same way as any other member of the public, ~~however, any comments by the PC must be agreed during a properly called public council meeting.~~ In line with legislation Parish Councils can be notified of amendments to planning applications where they have made a written request and if the amendment is not trivial, as determined by the Council.

6.4 As currently written, para 11.12 also refers to any comments made by a PC must be agreed during a properly called public council meeting. It is recommended that this text is deleted as it is a matter for the PC to ensure that they are satisfied that they have appropriate governance in place for the submission of responses.

7 Risk Management

7.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes / issues covered do not represent significant risks.

8 Resource Implications

8.1 There are no resource implications of the proposed recommendation.

9 Legal Implications

9.1 The proposed recommendation provides clarity on the requirements to re-consult parish councils in the SCI and brings it in line with the legislation as outlined.

10 Equality Issues

- 10.1 An EQIA is not needed because a full EQIA screening was completed in accordance with the Council's EQIA methodology for Cabinet in January 2023 and no potential or unlawful discrimination and/or low level or minor negative impact were identified.

11 Other Issues

- 11.1 Community Safety – no direct issues
- 11.2 Environmental Health Issues – no direct issues
- 11.3 Sustainability and Addressing a Changing Climate – no direct issues
- 11.4 Property Issues – no direct issues
- 11.5 Wards/Communities Affected – all Wards

12 Conclusion

- 12.1 The purpose of the Statement of Community Involvement (SCI) is to set out the statutory and other consultation measures that the Council will undertake when consulting on Planning Policy documents and publicising planning applications. It has been identified that text within the document, in relation to parish council notification, requires clarification and amending. The recommendation is that an amendment is made as set out in section 6 of the report.

Background Papers (Local Government Act 1972 Section 100D)

[Statement of Community Involvement 2023](#)

[Paragraph 8 of Schedule 1 to the Town and Country Planning Act 1990](#)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	None	File Ref:	N/A
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(Portfolio: Planning) Councillor P Bundy

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Report to:	Cabinet	Date:	29 May 2024
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