



SIGNED OFF BY	Head of Planning
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TO	Executive
DATE	Thursday, 18 April 2019
EXECUTIVE MEMBER	Portfolio Holder for Planning Policy

KEY DECISION REQUIRED	Y
WARDS AFFECTED	(All Wards);

SUBJECT	Statement of Community Involvement
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RECOMMENDATIONS
(i) That the revised Statement of Community Involvement (SCI) (Annex 1) be adopted and take immediate effect

REASONS FOR RECOMMENDATIONS
Planning legislation requires that the Council prepares and maintains a Statement of Community Involvement (SCI) setting out how it will engage with the community on planning issues. Specifically, the Council is required to review and, where necessary, update the SCI within 5 years of the date of adoption. The previous SCI was adopted in October 2013 and, in the intervening period, changes in national legislation means there are new procedures and matters that must be covered in the SCI. Approving the updated SCI will ensure that the Council complies with its statutory duties.

EXECUTIVE SUMMARY
The Statement of Community Involvement (SCI) is a document setting out when and how the Council will engage with stakeholders and residents on planning issues, including the determination of planning applications and the preparation of planning policy documents. The previous SCI was adopted in October 2013 and, in line with national legislation, the Council must review and update this at least every 5 years. Whilst the principles that underpin the SCI are broadly unchanged from the previous version, there have been changes in planning policy and legislation since the previous SCI

was adopted which need to be reflected in an updated version. This includes:

- (i) new types of planning application (such as permitted development prior approvals and permissions in principle),
- (ii) changes in consultation procedures on planning applications and planning policy documents and
- (iii) new requirements in relation to Neighbourhood Planning.

In addition, the Council's overall approach to customer service and contact has continued to evolve, including digital services and the use of social media which need to be reflected in the SCI.

Adopting the updated SCI as per the recommendation will ensure that the Council's approach to engaging on planning matters is clear and fit for purpose.

Executive has authority to approve the above recommendations

STATUTORY POWERS

1. The Planning and Compulsory Purchase Act 2004 (as amended) sets a statutory requirement for local planning authorities to prepare and maintain a Statement of Community Involvement (SCI). There are no statutory requirements to carry out consultation when preparing a Statement of Community Involvement.
2. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the minimum requirements for community involvement in the preparation of Local Plans and Supplementary Planning Documents. These are reflected in the SCI. The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the consultations to be undertaken in respect of certain types of planning application.
3. The Neighbourhood Planning Act 2017 inserted within the Planning and Compulsory Purchase Act 2004 a specific requirement for the SCI to set out the Council's approach to giving advice or assistance in relation to the preparation or modification of Neighbourhood Plans.
4. Once adopted, the Planning and Compulsory Purchase Act 2004 requires the Council to comply with the Statement of Community Involvement when dealing with planning applications and in preparing planning policies.
5. Under Article 4 of the Council's Constitution, the approval or adoption of any Development Plan Documents (DPD) is designated as a Full Council function. However, the Planning and Compulsory Purchase Act 2004 makes clear that the SCI is not a DPD but instead has a separate "standalone" status. In this respect, adoption of the SCI is an Executive function: this has consistently been the approach taken in the adoption of previous iterations of the SCI.
6. In undertaking consultations in relation to planning matters, the Council will also have regard to its obligations under any Human Rights, data protection or equalities legislation insofar as they are relevant to the matters and procedure in hand.

KEY INFORMATION

7. The Council's current Statement of Community Involvement was adopted following a decision of the Executive in October 2013.
8. National planning legislation requires that the Council must review the SCI within 5 years of the date of its adoption to assess whether it needs to be updated. This review was commenced in late 2018.
9. This review identified that, whilst the overall approach and principles that underpin the SCI remain appropriate and sound, there have been a number of legislative and circumstantial changes since its adoption that necessitate the document being updated.
10. Many aspects of the revised SCI are therefore unchanged from the previous 2013 version. In particular, the four overarching principles that underpin the SCI and the Council's approach to community involvement in planning - involving stakeholders early in the process, being open and transparent, reaching stakeholders in the right way, and providing meaningful feedback - remain relevant today.
11. Furthermore, the revised SCI does not seek to change the Council's established approach to consultation and notification on planning applications (including direct neighbour notifications) other than to incorporate the need to exclude public holidays from the 21-day statutory period in line with new national legislation.
12. The key changes that the revised SCI addresses are:
 - a) New types of planning approval regimes which have been introduced in the past 5 years, including Prior Approval applications and Permissions in Principle, each of which has specific consultation requirements not covered in the adopted SCI;
 - b) New requirements in the Neighbourhood Planning Act 2017 for SCIs to set out details of the advice and guidance which the Council will provide to those preparing/modifying neighbourhood plans;
 - c) Updated information regarding the "duty to cooperate" and statements of common ground; and
 - d) The general evolution of the Council's approach to customer contact, including the shift towards online services, digital information and more widespread use of social media, all of which are powerful tools in maximising the effectiveness of consultation activities
13. Addressing these points ensures that the document is up to date, fit for purpose and reflective of modern practices in consultation and public engagement.
14. The SCI provides a clear framework to enable the Council to meet, and in many cases, exceed the minimum statutory requirements for consultation on planning policies and applications. However, it seeks to avoid being unduly prescriptive to ensure that there is flexibility for the Council to tailor and adapt the approach, techniques and methods used to the circumstances and content of the consultation and the likely stakeholders involved.
15. In addition, the current SCI contains a number of references to guidance, advice, websites and third party organisations that have been rendered out of date by passage of time. The revised SCI covers these factual updates in addition to the

substantive changes above. The presentation of the SCI has also been updated to provide key information in a more “at a glance” format, as well as ensuring that key “self-service” tools such as our Online Planning Register and Planning Policy Consultation Register are more clearly signposted.

OPTIONS

16. The options available to the Executive are set out below:

Option 1: Adopt the Statement of Community Involvement (SCI) (Annex 1). This will ensure that the Council has a clear and up to date statement setting out its approach to community involvement in planning, thus providing certainty to stakeholders about what to expect. Adopting the SCI will ensure that the Council complies with its statutory duties and will enable resources to be focussed on preparing a new Local Plan Core Strategy. **This option is recommended.**

Option 2: Adopt the SCI but with amendments. This would still enable the Council to comply with its statutory obligations, but any amendments would need to satisfy the minimum consultation requirements and the basic content, which is prescribed in legislation. The SCI, as drafted, is considered to balance effective consultation with resource implications: any changes to it may result in resource/cost implications for the planning service that would need to be considered. This option is not recommended.

Option 3: Do not adopt the SCI. This will mean the Council has to continue to rely on the current SCI, which is out of date and does not reflect the latest legislative requirements. This option is not recommended.

LEGAL IMPLICATIONS

17. Reigate & Banstead Borough Council is required to prepare and maintain a Statement of Community Involvement in accordance with the requirements of section 18 of the Planning and Compulsory Purchase Act 2004. The SCI must be reviewed and, where necessary updated, within five years of its adoption. This report seeks to ensure that the Council meets this requirement.

18. Once adopted, the Council is required to comply with the contents of the SCI when dealing with planning applications or in bringing forward Local Plan documents. Compliance with the SCI is an integral part of the legal compliance “tests” associated with the examination of a Local Plan document. Failure to comply with the SCI in preparing a Local Plan document therefore risks a plan being found deficient and therefore unadoptable.

19. There are no statutory consultation requirements necessary for the preparation of an SCI. Many of the changes compared to the previous SCI reflect changes in the national legislative position or planning regime since the previous version was adopted.

FINANCIAL IMPLICATIONS

20. There are no direct additional financial implications associated with adopting the revised SCI, particularly as there are no fundamental changes in approach.

21. Costs associated with notification on planning applications are an established part of

the budget for the Planning service. Costs associated with consultation activities on emerging planning policy documents, such as advertising, exhibitions and presentation materials are factored in when budgeting and seeking financial approval on a project-by-project basis.

EQUALITIES IMPLICATIONS

22. The Statement of Community Involvement reflects the need for consultation exercises to be accessible to all, and provides a flexible framework and suite of tools that can be used to support this aim. The document specifically acknowledges the importance of reaching and engaging with “seldom heard” groups – including people with disabilities or those for whom English is an additional language - many of which overlap with particular equalities groups. On this basis, it is concluded that implementation of the SCI on individual consultations will ensure that there are no negative equalities impacts and will most likely give rise to positive effects for some groups.

COMMUNICATION IMPLICATIONS

23. The Communications Team has been involved and has input into the preparation of the SCI.
24. Project specific communications plans will be produced to inform the development and consultation of individual planning policy documents; these will reflect the requirements of the SCI.

HUMAN RESOURCES IMPLICATIONS (if applicable)

25. There are no anticipated human resources implications arising from the adoption of the SCI.

RISK MANAGEMENT CONSIDERATIONS

26. There are no anticipated risks arising from the adoption of the revised SCI but numerous risks associated with non-adoption of the revised SCI as detailed above.

OTHER IMPLICATIONS

27. No other implications have been identified.

CONSULTATION

28. Internal consultation with relevant services, including Planning, Planning Policy and Communications has been undertaken as part of the drafting of the revised SCI.
29. There are no statutory consultation requirements necessary for the preparation of an SCI. Given this, and mindful of the nature of the changes compared to the previous SCI, no public consultation is proposed or considered necessary. This is consistent with the approach taken in the adoption of the previous SCI in 2013.

POLICY FRAMEWORK

30. The SCI is a mandatory document. However, as it is not a Development Plan Document, adoption is an Executive function.

BACKGROUND PAPERS

None