

Community Engagement Committee

26 March 2019

Statement of Community Involvement

Report by Assistant Director of Strategic Planning and Infrastructure

Purpose

To authorise consultation on the revised draft Statement of Community Involvement which explains how the Council will involve residents and other interested parties in producing planning policy and guidance documents and determining planning applications.

Recommendation that -

1. Authority be granted for a public consultation for a period of four weeks on the revised draft Statement of Community Involvement at Annex 1.
2. prior to consultation, the Assistant Director of Strategic Planning and Infrastructure, in consultation with the Portfolio Holders for Resident Engagement, Planning Policy & Culture and Heritage and the Chair of the Development Control Committee and the relevant Opposition spokespeople, be given delegated authority to make minor amendments to the revised Statement of Community Involvement.

Benefits to the Community:

The Statement of Community Involvement will explain how the council will engage with the community when producing the Local Plan and determining planning applications.

Key Points

- A. This report seeks authorisation to publicly consult on the revised Statement of Community Involvement (SCI).
- B. The revised SCI updates the Council's existing SCI, which was adopted in January 2007 as well as the previous draft version which was consulted upon in 2016.
- C. The SCI sets out how the Council will involve residents and other interested parties in planning matters, including planning applications and the development of planning policy and guidance.
- D. The document sets out how the Council will meet the statutory requirements for community engagement. It provides a flexible and lasting framework for delivering high quality engagement in the borough.
- E. It is proposed that the Council will consult on the revised SCI in advance of undertaking public consultation on the Early Engagement for the new Local Plan.

Context

1. The Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a SCI. The document sets out how the council will engage the local community and other interested parties in the formulation of the Local Plan and determination of planning applications. Once adopted, the SCI will be made available on the council's website.
2. The current SCI was published by the council in January 2007. An updated SCI was presented at Growth Committee in June 2016, where authority was granted for public consultation on the draft document. The public consultation was undertaken during the summer of 2016, which resulted in a number of changes; these are outlined below in paragraphs 7 to 18.
3. The 2007 SCI required a series of updates to reflect the most up to date planning legislation; for example, it predates Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which sets out specific bodies or persons that the local planning authority must notify and invite representations from in developing its Local Plan. The existing SCI also pre-dates the Localism Act 2011, which introduced the duty to co-operate with other authorities and organisations on statutory cross-boundary issues, as well as the 2018 and 2019 National Planning Policy Framework, which introduced the Statement of Common Ground, which is now a statutory element of local plan production.
4. As a result of the 2016 version of the SCI, officers were keen not to rush the document back to committee, given there was a large amount of consultation that summer, and the need to consider consultation responses more fully. Since then, the council has undergone local elections which paused progress for sometime.
5. In light of the new administration, officers have been cognisant of the Liberal Democrat manifesto which places emphasis on meaningful engagement, therefore have taken time to redraft the SCI, alongside the Planning Charter.
6. The Committee is asked to approve the further revisions to the draft SCI for public consultation after which the final draft document will be submitted to the Strategic Housing and Planning Committee for adoption.

Revisions to the draft SCI of 2016

7. The structure of the document, including headings, is unchanged.
8. Minor changes have been made to Section 3 to reflect national policy on engagement in plan making set out in the National Planning Policy Framework 2019 and includes details of the government's Neighbourhood Planning website.
9. Minor changes have been made to both Section 5 and Section 7 for consultees who would like feedback, to ensure the document complies with GDPR requirements.
10. Elements of Section 6 which explain how the council will seek to ensure it considers views which are representative of the community as a whole have been made more concise.

11. Section 7 has been amended to explain barriers which may exist for some people which discourage their participation. The document now includes a commitment to use a range of communication methods to overcome barriers to engagement and hold events at a range of times to facilitate wider engagement.
12. Section 8 of the document addresses how residents and other stakeholders will engage with the Local Plan process. The key changes are:
 - Stage 2 consultation on the Local Plan has changed so that the process can be split into two parts for any significant policy changes. This would facilitate development of a first draft with consultation before finalising the publication draft. The results of consultation on the first draft would form part of the supporting documents for the publication draft.
 - Stage 2 consultation has also been updated to incorporate the tests of soundness required by the National Planning Policy Statement together with 'general conformity' requirements of the London Plan.
 - Representations made in respect of the publication draft will be acknowledged and published on the council's website and made available at council premises.
 - Stage 3 makes clear that some personal information (not addresses or contact details) will be shared with the Secretary of State and made public when reporting on representations associated with the submission draft of the Local Plan.
13. Section 8 also addresses the process for consulting on Supplementary Planning Documents (SPDs), however this remains largely unchanged. Production of the Community Infrastructure Levy (CIL) charging schedule has been expanded to include consultation on changes to the Regulation 123 list.
14. Section 9 of the document has been updated to reflect the latest guidance in relation to planning applications. A key change in this section includes the introduction of a Planning Charter (Annex 2), which removes a lot of the detail about the planning application process from the SCI, and places it in this new Charter (such as Table 1: Publicity on Planning Applications). The Planning Charter provides guidance on the means the council will normally encourage developers to utilise to involve the local community before they submit their application.
15. By introducing a Planning Charter, the council will be able to update this document to reflect the latest advice and guidance without having to update the SCI as well. This flexibility is seen as important as it will accommodate the integration of new tools and ways of engaging with people. For example, the recently introduced public portal on the council's website that allows residents to take more personal control on how they find out about proposals they are interested in.
16. Section 9 now makes clear that all applications and their supporting information are made available online for the public to view. There are times when the information submitted needs to be held as confidential and not published, however the council will seek to maximise transparency wherever possible.
17. Section 9 also now introduces a paragraph on how comments to planning applications are considered, noting that full consideration is given to all comments and due weight is attached to the views of the community.

18. Appendix 2 has been deleted and referenced within the document under Section 6 Statutory consultees.

Consultations

19. A draft SCI was approved by Growth Committee for public consultation at its meeting on 9 June 2016. Public consultation on the draft was undertaken over four weeks between 13 June 2016 and 10 July 2016. The outcome of the consultation has been considered and the changes referred to above have been made in response to feedback received.
20. The revised draft SCI in Annex 1 has been prepared in conjunction with colleagues in Strategic Planning, Communications and Engagement and Equalities.
21. The council has a statutory duty to undertake a formal public consultation on the SCI and it is proposed that four weeks be allowed for the consultation (this can be extended if the consultation falls over school holiday periods). The council will consult with specific bodies as set out in the planning regulations, general consultees and persons and organisations registered on the Local Plan consultee database. Additionally, the consultation will be advertised in local libraries, at the council offices and on the council website. As part of public consultation, the council will attend all neighbourhood committees to ensure the community have a chance to engage on the document.

Timescale

22. The draft SCI is being brought to this committee for authority to proceed with formal public consultation. The public consultation will last four weeks (or an extended period if the consultation falls over school holiday periods) and is earmarked to take place during April and May 2019. After that, feedback from the consultation will be considered and a final draft SCI prepared in the summer of 2019.
23. The final draft SCI will be taken to Strategic Housing and Planning Committee in September 2019 for adoption as the document is a statutory planning document. The final draft will address all responses received during public consultation, and a summary of key changes will be presented at committee. It is anticipated the published SCI will be made available on the council website after the expiry of community call in deadline.

Resource Implications

24. The production of the revised SCI has been completed in-house by the Strategic Planning team. The costs of public consultation will be covered within the existing budget of the Strategic Planning team.

Legal Implications

25. It is a statutory requirement that the Council prepares a SCI. It is also a statutory requirement that Councils engage stakeholders in relation to planning applications and when preparing new planning policy and guidance. The document sets out how the Council will meet the statutory requirements for community engagement.

Risk Assessment

26. The SCI of 2007 required updating because it pre-dates, for example, Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which sets out specific bodies or persons that the local planning authority must notify and invite representations from in developing its Local Plan. It also pre-dates the Localism Act 2011 which includes a duty to co-operate with other authorities on strategic cross-boundary issues.

Equalities Impact Assessment

27. Equality issues have been taken into account in the SCI and work towards eliminating discrimination. The SCI sets out the key equalities issues and the proposed strategies to ensure we engage effectively with protected characteristic groups.

Health Implications

28. This document sets out how the borough plan to engage communities with regards to planning decisions and plan-making, both of which seek to improve the health and wellbeing of our borough population.

Road Network Implications

29. The SCI does not propose any impacts to the road network in the borough.

Environmental & Air Quality Implications

30. The SCI does not propose any impacts to the environment or give rise to any air quality implications in the borough.

Annexes

- Annex 1: Draft Statement of Community Involvement for Public Consultation
- Annex 2: Planning Charter

Background papers

- [Kingston's Core Strategy \(2012\) Royal Borough of Kingston Upon Thames](#)
- [Town and Country Planning Act 1990](#)
- [Planning and Compulsory Purchase Act 2004](#)

Held by author/other - Lisa Fairmaner

Author of report - Lisa Fairmaner, Corporate Head of Planning, 020 8547 4706