

Portfolio Holder Report

Report Title: Statement of Community Involvement Update 2020

Portfolio Holder: Councillor Toni Fox, Portfolio Holder for Planning

Senior Officer: Frank Jordan, Executive Director of Place

1. Report Summary

- 1.1. This report seeks approval to amend and update the Council's Statement of Community Involvement (SCI). The SCI sets out how the Council will engage with stakeholders and the wider public on all of its principal planning functions. It is a legal document that must be followed when consultations and decisions are made on planning matters.
- 1.2. The SCI has been updated to reflect recent government guidance related to the Covid-19 pandemic, and temporary changes to plan making regulations that support increased reliance on digital engagement.

2. Recommendations

- 2.1. That the Portfolio Holder approves the Statement of Community Involvement October 2020, attached at Appendix 1 to the Report.

3. Reasons for Recommendations

- 3.1. The updated SCI will ensure that stakeholders understand how the Council will engage the community in plan making and planning decisions and be used to evidence that the standards that the Council adopts have been adhered to in discharging its planning functions.

4. Other Options Considered

- 4.1. The Council is obliged to prepare a Statement of Community Involvement under section 18 of the Planning and Compulsory Purchase Act 2004. The proposed SCI is updated to reflect government guidance to minimise the spread of Covid-19 through public interaction. To continue adhering to the

commitments of the previous SCI would not achieve this and therefore the option of retaining the SCI in its current form is rejected.

5. Background

- 5.1. The first SCI for Cheshire East was prepared in the early years of the Council in 2010 and updated in 2018 to ensure that the Council's approach reflected the many changes in planning policy, legislation and regulations brought about since then.
- 5.2. Since 2010 the nature of development plans has changed, primarily through the introduction of the National Planning Policy Framework and National Planning Practice Guidance. In addition, the volume, scale and nature of development proposals received by the Council changed significantly over this period.
- 5.3. The revised 2018 SCI also reflected the changed nature of personal communication, recognising the increased reliance on digital engagement and a decline in paper based communication and media.
- 5.4. Overall the 2018 SCI consolidated the previous document, reduced its length and addressed the means through which the Council would engage its residents and stakeholders on both planning policy and development management functions.
- 5.5. Since 2018 the Council has made significant progress toward preparing the Site Allocations and Development Policies Document (SADPD - part two of the Local Plan Strategy), the Minerals and Waste Plan and the Crewe Hub Area Action Plan; all of which are likely to be subject to public consultation in the near future.
- 5.6. The current circumstances in regard to the Covid-19 pandemic mean that it is pragmatic to reduce the Council's reliance on enabling the public to access hard copies of planning documents in public buildings and instead, following updated government guidance on these matters, increasingly to focus on digital engagement. Therefore the obligations of the 2018 SCI that required hard copies of planning policy documents to be accessible at the Council's primary offices and libraries is proposed to be removed, alongside requirements that committed the Council to hold public engagement events on such matters.
- 5.7. Given the removal of these elements in response to the Covid-19 pandemic, the Council must also consider how it can mitigate the approach when individuals are unable to digitally access relevant documents or are

finding it difficult to do so. The SCI sets out a number of measures that may be appropriate where such circumstances arise (such as pre-booking a specific time to access hard copies at a local library, following Covid-secure guidance).

- 5.8. In terms of Development Management the principles of the previous SCI remain the same but updates have been made to the legislative background to the publicity afforded on various types of planning applications, including measures that may be implemented where it is not possible to advertise applications due to the effects of coronavirus. Emphasis has been placed on the use of the Council's website to view applications and to signpost the public to the website to monitor any additional information and updates. The current *Publicity on Planning Applications Protocol* will also be updated alongside the SCI and made available on the Council's website.
- 5.9. It is always open to the Council to do more than is set out in the SCI, but it can never do less. Consequently there may be occasions where it is necessary and appropriate to adopt a more detailed level of engagement where circumstances dictate and the measures set out in the SCI should be considered the baseline approach to the matters outlined there.

6. Implications of the Recommendations

6.1. Legal Implications

- 6.1.1. The preparation of a Statement of Community Involvement is a requirement of section 18 of the Planning and Compulsory Purchase Act 2004. The Statement should set out the Council's policy as to how people who have an interest in development in their area can be involved in our principal planning functions.
- 6.1.2. Section 6 of the Neighbourhood Planning Act 2017 requires Local Planning Authorities to set out in their SCI the policies for giving advice or assistance on proposals for the making, or modification, of Neighbourhood Development Plans.
- 6.1.3. The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 amends the Local Planning regulations to make provision for Local Planning Authorities to make their plans available digitally for public inspection, removing the need to place hard copies in local libraries and primary offices.

6.2. Finance Implications

6.2.1. The policies adopted by the Council on community involvement can have potential financial implications for the whole of the planning service. Obligations to supply hard copy documents, send letters by post or place public notices in newspapers involve a direct financial cost. Others, such as the placing of site notices involve a cost in staff time and resources. Overall, electronic communications such as email notification, web based consultation and social media have smaller financial implications.

6.2.2. In drawing up appropriate policies for community involvement in planning, the Council needs to balance the cost of each form of engagement with the benefit that it accrues to stakeholders and the public.

6.3. Policy Implications

6.3.1. The SCI prescribes the Council's policies on how it will involve people in its planning processes. These policies involve a combination of mandatory and discretionary activities.

6.4. Equality Implications

6.4.1. The Council needs to ensure that its policies and processes for planning engagement enable all sections of the community to be involved in the plan making and decision taking process. The SCI provides flexibility to overcome barriers to engagement and sets out how this may be achieved.

6.4.2. Under the Council's public sector equality duty, the authority needs to consider the effect of its policies on members of society with protected characteristics. As such, an Equality Impact Assessment has been completed on the SCI and is included as a Appendix 2 to this report.

6.5. Human Resources Implications

6.5.1. The administration of the planning function and its adherence to the Council's SCI is a duty that falls on existing staff in the planning service, and will not require additional staff resources to implement.

6.6. Risk Management Implications

6.6.1. The decision to update the SCI, like all decisions of a public authority, is open to challenge by Judicial Review. The risk of any legal challenge to the SCI has been minimised by the process through which the

ammendments are prepared and checked by both officers and members, to ensure proposals are in accordance with relevant legislation and current guidance.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. In the current context of the Covid-19 pandemic, the measures set out here will assist the council in reducing person to person contact and therefore reduce the ability of the virus to spread through the Cheshire East Community.

6.10. Climate Change Implications

6.10.1. An increased reliance on digital engagement will reduce the need for individuals to travel to access planning documents and reduce the resources required to print and deliver such documents to various locations. The impact of this may be small but cumulatively over time, will help the Council to reduce its carbon footprint and achieve environmental sustainability by reducing energy consumption.

7. Ward Members Affected

7.1. All Wards. The implications of the SCI are relevant to the whole of Cheshire East.

8. Consultation & Engagement

8.1. There is no requirement to formally consult on an SCI.

9. Access to Information

9.1. The Council's website includes the current [SCI](#) as well as our policies for assisting [Neighbourhood Plans](#).

9.2. Key Documents:

9.2.1. Appendix 1: Statement of Community Involvement October 2020

9.2.2. Appendix 2: Equalities Impact Assessment

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

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