



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES
DATE:	18 MARCH 2021
REPORT OF THE:	HEAD OF PLANNING AND REGULATORY SERVICES GARY HOUSDEN
TITLE OF REPORT:	STATEMENT OF COMMUNITY INVOLVEMENT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To agree to recommend the Statement of Community Involvement for inclusion on the agenda of the meeting of Council on the 15 April 2021.

2.0 RECOMMENDATION(S)

- 2.1 It is recommended to Council that:
(i) Members agree the appended Statement of Community Involvement for implementation.

3.0 REASON FOR RECOMMENDATION

- 3.1 The Statement of Community Involvement (SCI) is statutory procedural document which sets out how the planning service will engage in planning matters with stakeholders. It is focused on the preparation of planning policy, and detailing with applications made under the Planning Acts.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks that Members need to be aware of in making the decision to recommend approval the SCI for use in the plan review, and for the consultation procedures on planning applications.
- 4.2 It is important for Members to be aware that the SCI is an important procedural document for the Planning Service. It sets out how, when and who we will consult with in the making of planning policy, and the consultation on planning applications and other applications covered by the Planning Acts. Adherence to the document is

required in the plan-making process, and also in the consideration of planning applications through consultation processes. Failure to undertake consultation in accordance with this document can render a plan legally unsound, and can also lead to legal challenges on the validity of planning decisions.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The SCI is a document which was brought into effect by the 2004 Planning and Compulsory Purchase Act, and its broad content is prescribed in the 2012 Local Planning Regulations. It is these regulations that define the key stages of process in preparing planning policy documents: setting out how, when and who with we consult with in key stages when dealing with plan making. It sits alongside the Local Development Scheme (LDS) which is the work programme for delivery of planning policy. It therefore directly impacts on the delivery of planning service. It directs the procedures and processes in the development of planning policy through consultation, and therefore informs and evidences the policy approaches chosen in the Plan. It also sets out the role of the District Council in neighbourhood planning; preparation of the Supplementary Planning Documents; and the approach to consultation on applications under the Planning Acts. There is also a statutory requirement to review SCIs regularly and when starting a Local Plan, or commencing a review of one.
- 5.2 It has a direct impact on the implementation, and therefore delivery of the Local Plan Review, which is a Council priority. It also therefore has an indirect, but important role to play in the delivery of the Council Plan. It also provides the framework for consulting around planning applications- which are an important opportunity for local communities to comment on applications that they consider affect them. Whilst it is a consultation manual which is solely for planning matters, Officers will liaise with the Communications Team to apply the corporate branding to the document.
- 5.3 A short consultation on the review of the SCI was commenced post the decision to agree the Local Development Scheme, and finished on the 1 March 2021. Although not formally required, it is identified as being good practice to seek the views of stakeholders. The findings of this have been fed into the document prior to the document being finalised. The SCI is presented with a consultation statement setting out who was consulted, their comments, and the response to the comments in relation to the SCI.

REPORT

6.0 REPORT DETAILS

- 6.1 Both the preparation of planning policy, and the consideration of applications under the Planning Acts is, for the most part, set within a prescribed regulatory framework provided by statutory regulations. So these regulations must be complied with in the first instance- as going above and beyond them can undermine the consultation undertaken because it may then not be identified as being duly made.
- 6.2 The SCI, however, sets out in a comprehensive manner how this is undertaken in detail. It provides the ability to set out the types of engagement we will undertake at different stages in the process. It does so in an easily understood format- to help, in particular, local communities and organisations in their awareness of how and when they can participate in planning matters. It is important that this is set out in clear terms

because the SCI is as much about informing engagement as it is managing engagement for those who may not be very familiar with the planning process. Any form of consultation set out in the SCI must be realistically achievable, and not place unrealistic or impractical expectations on how consultation will be undertaken. This is particularly important at the preparation stage, to undertake meaningful and engaging consultation, but in a responsive way.

6.3 The broad structure of the SCI is split into four main components:

- Introduction and context to the SCI and planning consultations;
- Planning policy making, covering: consultation on Local Plans (and their Review); Neighbourhood Planning; Supplementary Planning Documents; the Duty-to-Cooperate;
- Considering applications made under the Planning Acts (considering differences between major and minor applications and developments subject to EIA regulations; and
- A Glossary- which is necessary to explain some of the technical terminology which needs to be used in the document.

6.4 The introduction which provides the context to what the SCI does, and how it is to operate. It explains the types of community involvement that can be undertaken in principle:

- Participation – active involvement in identifying needs and priorities, such as workshops, focus groups to look at the matter concerned (by subject/topic or by place)
- Consultation – consulting you on your views, such as through on-line consultation processes and surveys on the content of documents and the approach taken or options to consider
- Information – providing data, such as providing notices and publishing reports, and general information

It also explains the role of Members and Officers in terms of how we use/consider this information. The planning system essentially operates within an environment of sometimes competing issues; and we need to apply judgement and weigh any planning 'harm' against the planning 'benefits' to find the best approach to take. It is also about the need to look at the planning issues raised in the public interest.

6.5 Policy Making is broadly split into the following stages which are prescribed in the regulations:

- Preparation and evidence gathering (Regulation 18) is about informing the direction and scope of the plan. This is normally the longest stage in the process, as it is important not to pre-empt or prejudge the policy approach. It is essentially about evidence gathering and the understanding of aspirations and issues. This is where we will undertake more specific and focused consultation and engagement and participation with stakeholders to establish what are the issues facing the district, what are the options to address them, and steer a way forward. We then consult on draft policies and proposed sites (and why we have discounted other sites). This is

where the Duty to Cooperate is at its most active. It is also where we consult with prescribed bodies on key technical assessments: the Sustainability Appraisal and Strategic Environmental Assessment; and in the Habitats Regulations Assessment. It is essential to record the outcomes of consultation at this stage as they form a Statement of Consultation. The Local Plan Working Party will be extensively involved in this stage. This culminates in:

- Publication of the Plan (Regulation 19). This is a formal consultation stage where the Council consult all interested parties for a specified period of time (6 weeks). This publication draft is the version of the plan review that the Council intend to submit to the Secretary of State (MHCLG). The Members of Council agree the Publication of the Plan Review. The proposed Plan and all supporting material is published on line (and normally placed on deposit) and a formal notice is published in the local press. All the comments we receive at this consultation stage have to be specifically catalogued and responded to, and in doing so set out whether this requires a revision to the Plan. This forms the second Statement of Consultation (Regulation 19) which is then part of the submission, it is also considered by Members who agree the submission.
 - Submission is a notification stage. We notify everyone who responded to the Regulation 19 stage via email or letter that we have submitted the Plan to the Secretary of State (The Planning Inspectorate). This is also accompanied by formal press notice and all documentation published on the website. The regulations require that it need only be sent to anyone who sought to be informed is notified. But in Officer's experience it is better to notify anyone who commented on the Plan at Publication stage to avoid missing anyone who forgot to notify us.
 - Examination is where the proposed Plan is tested and appraised by a formal hearing. Communications at this point will be led by the appointed Inspector, via the Programme Officer, who is an intermediary between the Inspectorate, the Council and the participants of the Examination. We also have to publicise the Examination and give details of the time table at least six weeks before the Hearing Sessions Commence. As an outcome of the hearing sessions, we may consult on what are known as 'Main Modifications' (at the direction of Inspector) and this will be by email/letter and will ask very specific questions about changes to the wording of the plan- these can range from factual changes to changes to the wording of policies- it does not permit fundamental modifications- as this would represent a different Plan. Subject to a non-binding Inspector's report which concludes the Plan is 'sound' the final stage is reached:
 - Adoption – this is also a notification stage. However, prior to adoption, a Consultation Statement and summary Sustainability Appraisal is prepared for Members, so that they are able to see how consultation informed the examination process. Upon approval, we give the notification of adoption and provide information on the rights concerning legal challenge.
- 6.6 Planning application consultation is more prescribed than that of plan-making. This is to ensure that timely decision making can take place. Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that all planning applications should have some form of publicity. Indeed the minimum requirement for consultation on a planning application is a site notice(s), with any prescribed press notice(s) in a local newspaper. But Ryedale, like many planning authorities, also consults directly with adjoining and neighbouring properties. In doing

so, it does not write to adjacent landowners- only those with a property address. Once the minimum consultation periods have been passed (21 Days since the last consultation undertaken- and in the case of applications subject to Environmental Impact Assessment - 30 days), and all statutorily required consultations have taken place, a decision on the application can be made. Although, in reality, there is often a need to re-consult on aspects, and the Case Officer may apply some discretion in awaiting further, or later, comments. This is because planning applications can be under consideration for some time after a consultation period has finished. This is important, as it allows more meaningful engagement and can lead to better outcomes in a scheme.

- 6.7 Consultation on planning applications, particularly those identified as significant applications (such as those for housing sites) are expected to be subject to community consultation and engagement prior to their submission- and this is undertaken by the applicant.
- 6.7 The Duty to Cooperate is a statutory obligation that requires organisations involved in strategic policy making to demonstrate that they have cooperated with each other in the preparation of Local Plans. In doing so a Statements(s) of Common Ground should be prepared in relation to strategic/cross boundary matters. It documents where effective co-operation is, and is not, happening throughout the plan-making process. It is a way of demonstrating at Examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the Duty to Cooperate. Officers will be writing to the prescribed organisations around this duty, and will be preparing in due course a Statement of Common Ground. This is only briefly discussed in the SCI as it involves specific strategic bodies and direct engagement with them on that basis.
- 6.8 In the midst of the Covid-19 pandemic, the Government is keen that the planning system continues to operate effectively, to ensure that its contribution to supporting the economy and delivery of homes can be sustained. The impact of Covid-19 has meant that normal/traditional approaches to face to face consultation events and meetings are not possible. This is extended to the inability to view paper documents on deposit. It is also not clear for how long social distancing (staying at home and away from others) will be enforced. Although, Government guidance has identified that paper copies of planning applications or deposit copies of planning consultation material will not be available until at least December 2021. Therefore the SCI will need to reflect such a position which maximises digital consultation and notification for the foreseeable future and for the life of this SCI, until it is reviewed or the regulations are changed- whichever is the sooner. Any changes will be publicised on the SCI web page.
- 6.9 The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 make temporary changes to how documents are required to be made available under regulation 35 and 36 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the 2012 Regulations"). They temporarily remove the requirement on a local planning authority to make hard copies of documents available for public inspection at the authority's principal office and at such other places as the authority considers appropriate (in Ryedale's case- the public libraries). Documents are still required to be made available on the local planning authority's website.

- 6.10 The Government has issued guidance to ensure that consultations are undertaken in a manner which combats the spread of Covid-19, they have also indicated that SCIs should be subject 'immediate review' to incorporate in these approaches into the SCI. The Government has suggested the use of virtual exhibitions, digital consultations, video conferencing, social media and providing documents for inspection on a public website. Some of these are already being undertaken (such as video conferencing, and use of the Council's website). Even prior to the pandemic, officers were considering how to utilise different platforms to get information out, and to consult in a more effective way. Using social media would be new area, and it is seen as being more of a notification application- as it can become difficult to manage the responses received through these posts if there is no clear follow up.
- 6.10 But how should we engage with those who do not have access to the internet? The Government has suggested the following approach: by using representative groups/organisations, and allowing individuals to nominate an advocate to share their views on their behalf. This is an approach that we would be seeking to adopt. Many of the more distanced/isolated communities in Ryedale have poor internet connection. We would also promote the use of e-email delivery of responses, but still accept those made in writing. In time, we will seek to again place key documents on deposit at Ryedale House and the libraries. But this will be considered in a future review of the SCI, or undertaken if the regulations revert back to their original wording- whichever is the sooner.
- 6.11 It is proposed that large scale consultation meeting events would not be undertaken. In past experience they have generated considerable interest, but which was often provided on a one-off basis. In their place would more targeted and focused meetings with Statutory Consultees in their areas of responsibility and groups (such as Parish Councils and Town councils either with or without residents, interest groups, developers and their agents and Estates) will be undertaken instead. This, in Officer's experience, has been a more effective way to meaningfully discuss issues and seek resolutions prior to formal submissions.
- 6.12 Whilst this could be viewed as a temporary approach, Officers consider that the increased use of digital consultation is here to stay. There are positive practical resource implications, by reducing costs on printing and postage, reducing paper use, and reduce the need to travel to meetings. But more important than this, is that they can be undertaken with greater frequency, focus on specific issues, and be approached with more flexibility on their timing- to ultimately improve the ability to engage with stakeholders in a more direct and meaningful way- and to get better outcomes on consultation undertaken.
- 6.13 For planning applications, there is a temporary lifting of the requirement to provide hard copies of planning applications, and this will apply until December 2021. There is no further proposals to change consultations under the Planning Acts, and the section will be updated with the more recent regulations.
- 6.14 The SCI also makes signposting references to the GDPR and how we hold/treat personal data and how someone can check what information we hold, and have their details added/removed from our consultee list. Whilst we will hold responses made to any consultations to assist in future planning work, we only need to hold personal data for as long as the plan preparation stages require it, or unless the individual is happy for their details to be held for future planning policy work. If they do not wish to have the details held, we can retain their comments and name alone.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
The work is covered by existing budgetary provision.
- b) Legal
The SCI will need to be undertaken in accordance with existing statutory procedures.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
Equalities considerations are considered through compliance with the Statement of Community Involvement. Staffing has been expanded to deliver this area of the plan review. The Call for Sites is an important early stage in reviewing planning policy and will also assist in our objectives around health and safety considerations. Environmental impacts and Climate Change considerations are an integral part of the site assessment process. There are no crime and disorder implications identified.

8.0 NEXT STEPS

8.1 Subject to Member agreement this Report, the SCI and consultation statement will be considered by Council. Upon approval by Council it will be published on the Council's Planning website and a link added to the planning policy consultations page. In future consultations we will make reference to this document.

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Background Papers:
Draft Statement of Community Involvement
Consultation Statement

Background Papers are available for inspection at: