

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Cabinet
Date: 07 October 2019
Reporting officer: Planning Manager (Policy)
Subject: Local Plan - Statement of Community Involvement

Purpose and summary of report:

The following report seeks Cabinet approval of the Statement of Community Involvement, attached at Appendix 2.

The Statement of Community Involvement sets out the Council's approach to consultation on planning matters such as the Local Plan, Planning Applications and Neighbourhood Planning. The current Statement of Community Involvement was adopted in March 2007; it is therefore necessary for the Council to review its Statement of Community Involvement.

Recommendations:

1. Cabinet members are requested to approve the Statement of Community Involvement (Appendix 2) prior to its publication.

1. Background

1.1 The Council's Statement of Community Involvement is a document that sets out how local communities, businesses, organisations and statutory stakeholders will be consulted as part of the plan making process i.e. planning policy function and within the decision making process i.e. development management function. The benefits of stakeholder engagement include:

- Fostering local ownership of the plan making and decision taking processes
- Obtaining greater clarity of local priorities whilst disseminating strategic priorities
- Providing greater clarity and transparency around both the plan making and decision making processes
- Identifying and resolving potential areas of conflict

1.2 It is a statutory requirement (see section 18 of the Planning and Compulsory Purchase Act 2004 (as amended)) for the Council to set out how it will consult the public on planning matters. Once adopted provisions within the Statement of Community Involvement become binding upon the Council. The existing Statement of Community Involvement was adopted in March 2007 and is in need of updating.

- 1.3 The requirement to produce a Statement of Community Involvement occurs under Section 18 of the Planning and Compulsory Purchase Act 2004 (PCPA 2004). When a Development Plan Document is subjected to examination in public, the Inspector must be satisfied that it has been prepared in compliance with the Council's Statement of Community Involvement and that the Statement of Community Involvement itself meets with the requirements set out in the regulations.
- 1.4 The Neighbourhood Planning Act 2017 has introduced additional requirements for the Statement of Community Involvement by amending Section 18 of the PCPA 2004. These are:
- A requirement to set out the Councils policies for involving interested parties in the preliminary stages of plan-making;
 - A requirement to set out the Councils policy for any public involvement in relation to the Council's Local Development Scheme (LDS); and;
 - A requirement to set out the Councils policies for giving advice or assistance in relation to Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders (Neighbourhood Planning).
- 1.5 New regulations brought forward by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, have also introduced a requirement for Local Planning Authorities to review their Statement of Community Involvement and Local Plans within five year periods. The amendment of regulation 10A inserts:
- “Review of local development documents
- 10A.—(1) A local planning authority must review a local development document within the following time periods—
- (a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents);
- (b) in respect of a statement of community involvement, the review must be completed every five years, starting from the date of adoption of the statement of community involvement, in accordance with section 23 of the Act.”
- 1.6 A revised Statement of Community Involvement has been drafted to take in account these new requirements and is provided at Appendix 2. Planning Practice Guidance at Paragraph 035 (as revised 23/07/2019) makes it clear that there is no requirement for local planning authorities to consult when reviewing and updating their Statement of Community Involvement.

2. Consideration

- 2.1 Gravesham last adopted its Statement of Community Involvement in March 2007, by virtue of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, the Council is legally required to 'review' the Statement of Community Involvement in order to determine whether it should be amended. Such a review has been undertaken by officers and a revised Statement of Community Involvement prepared.

- 2.2 The revised Statement of Community Involvement addresses the requirements of numerous regulations and policy changes that have taken place since March 2007. It is important to note that once adopted, the Council must follow the Statement of Community Involvement. If the Council failed to do so (whether that be for plan making, determining planning applications or neighbourhood planning matters), the Council would be open to legal challenge.
- 2.3 If the Council decides not to revise the Statement of Community Involvement and therefore does not go onto adopt a final version of the Statement of Community Involvement, it must set out its reasons for considering why no revisions are necessary to the March 2007 version of the document.

3. Next steps

- 3.1 If approved, the Statement of Community Involvement will be desktop published into a more user-friendly document and a plain English summary produced. These documents will subsequently be published on the Council's website for members of the public and other interested stakeholders.

4. BACKGROUND PAPERS

- 4.1 Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	The duties to engage the community in planning matters and to prepare a Statement of Community Involvement arise from the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017.
Finance and Value for Money	Costs for desktop publishing the document and producing a plain English summary of the document are to be covered by the Planning Policy Reserve budget.
Risk Assessment	Ensuring the Council has an up-to-date Statement of Community Involvement reduces the risk of the soundness of planning decisions (Development Management) and the Local Plan being questioned.
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A - the answer to question a. is 'No.'</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk.</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. Yes – the Statement of Community Involvement sets out how the community will be involved in planning related consultations and decisions.</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Corporate Plan	Strategic Objectives 1,2, 3 and 4
Crime and Disorder	There are no Crime and Disorder considerations pertaining to this report.

Digital and website implications	Subject to approval, the Council's website will be updated with the revised Statement of Community Involvement.
Safeguarding children and vulnerable adults	There are no "safeguarding children and vulnerable adults" implications pertaining to this report.