

REPORT FOR: **CABINET**

Date of Meeting:	11 October 2012
Subject:	Revised Statement of Community Involvement
Key Decision:	Yes [Affects all Wards]
Responsible Officer:	Andrew Trehern, Corporate Director of Place Shaping
Portfolio Holder:	Councillor Keith Ferry, Portfolio Holder for Planning and Regeneration
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix A – Revised Statement of Community Involvement Appendix B – Recommendation from LDF Panel – scheduled to meet on 4/10/2012

Section 1 – Summary and Recommendations

This report introduces a consultation draft revised Statement of Community Involvement (SCI) to provide an updated, replacement SCI for that which was adopted by the Council in 2006.

Recommendations:

Cabinet is requested to:

1. Approve the draft revised Statement of Community Involvement (SCI) at Appendix A for public consultation.

Reason: (For recommendation)

To ensure that Harrow has an effective, flexible and up-to-date SCI, pursuant to section 18 of the Planning and Compulsory Purchase Act 2004 (as amended).

Section 2 – Report

Section 18 of the Planning and Compulsory Purchase Act (2004) requires local planning authorities to prepare a Statement of Community Involvement (SCI). The SCI must set out how persons who appear to the authority to have an interest in matters relating to development in the area will be involved in the authority's plan-making and development management functions.

Harrow's SCI was adopted August 2006 following public consultation and an examination in public. It provides a commentary on the (then) new planning system, on the production of the SCI and upon the objectives and principles of community involvement. There are further chapters relating to involvement in the LDF and the Development Control Process, and a series of tables setting out the consultation techniques to be employed in the preparation of different types of planning document and for development control.

The adopted SCI is now six years old. Since its adoption there have been numerous amendments to the 2004 Act and the Regulations governing development planning in England. The principal affect of these changes, in relation to SCIs, is that they are no longer subject to examination in public. There have also been changes to planning terminology, comprising the re-introduction of the concept of Local Plans and a move from development 'control' to 'management' in the planning application process. And, locally, the suite of documents that will comprise Harrow's Local Plan has evolved most notably with the preparation of an Area Action Plan (AAP) that was not envisaged when the SCI was adopted.

For the reasons set out in this report it is therefore proposed to consult upon a simpler, updated SCI for Harrow.

Options considered

As noted above the 2004 Act makes it a requirement to prepare an SCI. Having prepared and adopted an SCI in 2006 the Council has fulfilled this requirement. Therefore not updating the SCI, but instead continuing to rely on the 2006 version, is an option. However this would fail to ensure that Harrow's SCI properly reflects the development planning system as has evolved

following the publication of the Planning Act (2008) and the Localism Act (2011), and new/consolidated changes embodied in the Town and Country Planning (Local Planning) (England) Regulations (2012).

An alternative option would be to update the SCI but retain the existing level of prescription about the techniques to be employed when carrying out consultation in relation to future revisions or replacement development plan documents (DPDs) and supplementary planning documents (SPDs). However this would fail realise the opportunity provided by the SCI update to give the Council flexibility to select new or innovative methods of engagement as an alternative to traditional or existing consultation practices in the future.

Current Situation

Following the adoption of the Core Strategy in February the Council is progressing the preparation of the Heart of Harrow area Action Plan, the Development Management Policies DPD and the Site Allocations DPD towards submission to the Planning Inspectorate. It is anticipated that an examination in public will commence in January.

The examination in public must address the questions of legal compliance (primarily concerned with issues of process and conformity) and of soundness (primarily concerned with the merits of the plan's content). One of the questions of legal compliance is that the plan has been prepared in accordance with the consultation requirements set out in the adopted SCI.

Officers are satisfied that the preparation of the AAP and DPDs has involved public consultation in conformity with the relevant provisions of the adopted SCI. Therefore it is not anticipated that the proposed SCI update poses any risk to the outcome of the forthcoming examination in public.

The SCI also provides the foundation for public participation in planning applications. The adopted SCI places a strong emphasis on the role of neighbour notification letters.

Why a change is needed

As noted above, revisions to the legislation governing the preparation of SCIs have removed the requirement for them to go through examination in public prior to adoption and, unlike PPS 12 *Local Spatial Planning*, the National Planning Policy Framework is silent on the production/revision of SCIs. Nevertheless, SCIs continue to have a vital role in establishing the principles of public participation in the development management and plan preparation/revision processes, and it therefore remains important for Harrow to have an up-to-date SCI.

The existing SCI contains content which is now out of date. This includes references to the Harrow Unitary Development Plan, references to the (now superseded) process and timetable for the production of an SCI, a summary of the DPDs/SPDs to be prepared based on the original Local Development Scheme (LDS), a summary of (now superseded) development control legislation and procedures, and a (now superseded) list of statutory

consultation bodies. Revision of the SCI provides the opportunity to remove superseded content and ensure that it is focused and up-to-date.

Appendix D of the existing SCI sets out matrices of appropriate consultation techniques for community engagement on development control, the Core Strategy and other DPDs. Again these provisions are now out of date, insofar as consultation requirements for planning applications have evolved as a result of legislative provisions and changes in local practice, whilst the DPDs referred to in the existing SCI are now through their final stage of consultation and, in the case of the Core Strategy, is complete.

Last year the Council received over 3,000 planning applications and, in the context of increased postal costs, the expenditure associated with indiscriminate use of neighbour notification letters is a significant demand on the planning department's budget. At a time of significant pressure upon the Council's financial and staffing resources, and as other methods (such as site notices) may be equally effective as a means of publicising some types of proposals, the revision to the SCI provides an opportunity to introduce greater flexibility over the use of neighbour notification letters.

Draft revised SCI

In preparing a draft revised SCI officers have sought to avoid re-providing content that will inevitably date the document in forthcoming years, and to transfer the emphasis of the document away from prescribing appropriate techniques to establishing consultation principles. In so doing, it is intended that the revised SCI be a more effective guide to planning consultation and flexible enough to apply to whatever Local Plan or Development Management changes occur during the plan period of the Core Strategy.

The main Local Plan provisions of the draft revised SCI are as follows:

- that the Council will maintain (and refresh from time to time) a consultation database of residents, amenity groups, developers and other organisations with an interest in Harrow's Local Plan;
- an updated list of statutory consultees;
- introduction of seven aims for effective consultation;
- introduction of actions for engaging hard to reach groups; and
- a commitment to continue to publicise the results of consultation.

The main Development Management provisions of the draft revised SCI are as follows:

- a strong emphasis on the value of early engagement through pre-application discussions with Council officers and pre-application consultation with third parties;
- a commitment to continue to make application material available online; and
- a commitment to continue to publicise applications by neighbour notification letter and/or site notices.

A major provision of the Localism Act (2011) is the introduction of neighbourhood planning powers. The revised SCI therefore also sets out how the Council will support any properly-made request for a neighbourhood referendum and how help to facilitate community involvement in the examination of a neighbourhood plan.

Consultation on the draft revised SCI

It is proposed to consult widely on the draft revised SCI and to report the outcome of this consultation back to future meetings of the LDF Panel and Cabinet prior to adoption. Specifically, the following consultation methods will be employed:

- notification by e-mail or letter to all persons/organisations listed on the existing planning policy database and on the Council's interactive consultation portal (where users have specified an interest in town and country planning);
- publicity on the planning policy pages of the Council's website; and
- local press notice.

The consultation will be open for a period of six weeks and will commence as soon as possible following this meeting of Cabinet.

Implications of the Recommendation

Legal comments

Under section 18 of the Planning and Compulsory Purchase Act (2004) local planning authorities must prepare a statement of community involvement (SCI). The SCI is a local development document for purposes of Part 2 of the Act and by virtue of section 26 (1), the Council may at any time prepare a revision of all local development documents including the SCI.

Financial Implications

The SCI up-to-date and consultation on the revised document represents a relatively minor project, the costs of which can be adequately maintained within the existing LDF budget. It should be noted however that, to control the cost of the update, it is not intended to produce hard copies of the draft revised SCI for general distribution to consultees. (However a small number of copies will be printed in-house for distribution to borough libraries).

Performance Issues

There are no national or local performance indicators that deal specifically with the Statement of Community Involvement (SCI). Nevertheless, public participation remains an integral part of the production of effective development plan documents and supplementary planning documents. When examining development plan documents, part of the Planning Inspectorate's role is to ensure that the local planning authority has undertaken consultation in accordance with its adopted SCI.

In performance terms, therefore, the SCI is a vital tool in ensuring the soundness, and particularly the effectiveness, of planning documents through public participation in the preparation process.

Environmental Impact

The SCI does not in itself contain any policies or proposals. It exists to secure appropriate methods and levels of public participation in the preparation of planning documents. The consideration and assessment of environmental impacts are comprehensively dealt with through the requirement to undertake Sustainability Appraisal, incorporating Strategic Environmental Assessment, in the course of preparing Development Plan Documents but are not relevant to the SCI.

Risk Management Implications

Risk included on Directorate risk register? Yes

Effective engagement in preparation forms a part of the 'justified' test of soundness for a DPD. Updating the SCI ensures that a local, flexible framework is in place for engagement in the Local Plan preparation/revision process. Failure to update the SCI, but instead to continue to rely on the version adopted in 2006, carries the risk that future engagement is not considered to be effective for the task in hand and may therefore jeopardise soundness. In terms of Development Management, the revised SCI simply updates the document in relation to current requirements and local practice and so helps to avoid the potential for misguided attempts to challenge planning decisions.

Equalities implications

Was an Equality Impact Assessment carried out? Yes

The EQIA found that the revised SCI would have a low or neutral impacts in relation to the nine equalities strands.

Corporate Priorities

The draft revised SCI will contribute to the delivery of the following corporate priority:

- United and involved communities – a council that listens and leads: by consulting on the draft revised SCI participants are able to help shape the way the Council engages residents, businesses and others in the preparation of, and revisions to, the Local Plan in future. The SCI also encourages early engagement by those proposing development to help ensure the widest possible participation in the decision making process on planning applications.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 19 September 2012		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 19 September 2012		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 19 September 2012		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date: 19 September 2012		

Section 6 - Contact Details and Background Papers

Contact: Matthew Paterson, Senior Professional Policy Planning, Development and Enterprise, phone 020 8736 6082

Background Papers: Statement of Community Involvement (2006)

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]