

North East Derbyshire District Council

Cabinet

29 June 2023

Adoption of the Revised Statement of Community Involvement (SCI)

Report of Councillor S Pickering, Portfolio Holder for Environment and Place

Classification: This report is public

Report By: Planning Policy & Environment Manager

Contact Officer: Helen Fairfax

PURPOSE / SUMMARY

To consider the representations received to the public consultation on the Draft Statement of Community Involvement with a view to adopting the final version of the document.

RECOMMENDATIONS

1. To approve the Officer responses to the representations received to the public consultation on the Draft Revised Statement of Community Involvement as set out in the Consultation Statement in Appendix 1.
2. To adopt and bring into effect the Revised Statement of Community Involvement (SCI) in Appendix 2 to replace the current SCI (2014).

Approved by the Portfolio Holder - [Click here to enter text.](#)

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no specific financial implications arising from the adoption of the SCI. The provisions identified for public notification, consultation and involvement can be met from existing budgets, provided these are maintained in the future.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

The Council has a statutory duty to prepare a Statement of Community Involvement (SCI) under section 18 of The Planning and Compulsory Purchase Act (2004). The Act sets out the required form and content of SCI's and these requirements have been followed in the production of the revised SCI. Whilst there is no statutory requirement to undertake public consultation on revisions to SCI's it is considered good practice. The Town and Country Planning, (Local Planning) (England) Regulations 2012 (as amended) require that SCI's are reviewed within 5 years of the date of adoption to identify if revisions are required. There are no specific data protection issues arising from the content of this report.

On Behalf of the Solicitor to the Council

Staffing: Yes No
Details:

There are no adverse staffing implications directly arising from the content of this report. However, the document includes provisions for notification and consultation on planning applications and for public involvement in plan making, which takes account of current established staffing levels within the service. Effective implementation of the SCI will rely upon these staffing levels being maintained.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Click here to enter text.

Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
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All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Council has a statutory duty to produce a Statement of Community Involvement (SCI). The purpose of the SCI is to set out how the Council will engage with communities with an interest in matters relating to development in their area. This includes how and when communities can influence planning documents covering North East Derbyshire and the ways in which they can comment on planning and other applications.
- 1.2 In exercising its plan making functions the Council must ensure that consultation on Development Plan Documents has been undertaken in line with the provisions set out in the Council's SCI, in order to be found sound. It is similarly important that consultation on planning (and other) applications is carried out in accordance with the SCI, otherwise they may be at risk of legal challenge.
- 1.3 The Council's current SCI was adopted in 2014, and became due for review in 2019, according to the legislation. However, at that time the new Local Plan was under Examination, and it was considered most appropriate to delay review of the SCI until after the Local Plan was adopted. This was to avoid any confusion in the plan process, with the added benefit of enabling us to take account of customer feedback on the entire plan preparation process.
- 1.4 Furthermore, in the period since 2014, the National Planning Policy Framework has been updated, and opportunities for digital engagement have further increased following the Covid-19 pandemic. These factors have also contributed to the need to revise the SCI.

2. **Details of Proposal or Information**

- 2.1 The current adopted SCI (2014) comprises 3 leaflets providing an Introduction and details on how to influence the Local Plan and how to get involved in planning applications. The revised SCI combines the information in these leaflets into a single document, updated to include more detail on how the community can engage in plan-making and the consideration of planning and other applications.
- 2.2 In terms of plan making, a section on how we engage with the public and stakeholders in preparing planning policy documents has been expanded upon to reflect the opportunities for digital engagement including social media. In addition, the key stages in preparing the Local Plan, and Supplementary Planning Documents set out in diagrammatic form in the current SCI has been

updated with more detail including the opportunities for community involvement at each stage. More detail on the stages in preparing a Neighbourhood Plan is also included.

- 2.3 In terms of getting involved in planning applications this section has been updated with information on how we will consult the public to bring it in line with national legislation as set out in the Development Management Procedure Order 2015 (as amended).
- 2.4 The draft revised SCI was published for public consultation for a 6-week period between 15 February 2023 and 29 March 2023. The outcome of the consultation is summarised below and set out in detail in the Consultation Statement at Appendix 1 to this report.
- 2.5 In summary, the public consultation included the following:
 - All organisations and individuals registered on the Council's consultee database were notified of the consultation by email or letter,
 - All individuals signed up to the Council's general email update service were notified of the consultation,
 - The draft SCI was published on the Council's website including a news article on the front page,
 - Information about the consultation on the draft SCI was posted on the Council's social media accounts – Facebook, Twitter and LinkedIn; and
 - Paper copies of the draft SCI, statement of representations procedure and comments form were made available in 'deposit venues' i.e. at the council office and local libraries.
- 2.6 A total of 25 responses to the draft SCI were received from 11 organisations and 2 individuals. Whilst no fundamental issues were raised to its overall scope and content, it is considered appropriate to propose a limited number of changes to the draft SCI in response to some of the comments received, alongside additional officer updates.
- 2.7 The recommended changes are relatively minor relating to points of clarification, signposts to further information, and other consequential changes to text and headings. In summary, the main changes recommended to the draft SCI are clarification that:
 - the list of General Consultation Bodies with whom the Council consults during plan-making will be made available within the Consultation Statements published on the Council's website at each public consultation stage,

- applications for listed building consent and works to trees covered by preservation orders will be subject to the Council's Neighbour Notification Protocol,
- other consents may be required for development proposals such as Schedule Monument Consent, Felling Licences or Wildlife Licences, and that in such circumstances the Council will be able to signpost applicants to the relevant consenting body.

2.8 The Statement of Community Involvement as recommended for adoption is set out in Appendix 2 to this report.

3 Reasons for Recommendation

3.1 To formalise the Council's response to the comments received during the consultation on the draft SCI, and to enable the document to be formally adopted as the Council's Statement of Community Involvement.

4 Alternative Options and Reasons for Rejection

4.1 The preparation of a Statement of Community Involvement and its review every five years from its adoption date is a statutory requirement and there are no reasonable alternative options.

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	Statement of Community Involvement – Consultation Statement
Appendix 2	Statement of Community Involvement – Adopted Version
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
Click here to enter text.	