

CABINET

18th August 2020

STATEMENT OF COMMUNITY INVOLVEMENT

Report of the Interim Strategic Director of Places

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/050620	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr G Brown Deputy Leader and Portfolio Holder for Environment, Finance, Planning and Property	
Contact Officer(s):	Penny Sharp, Interim Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Roger Ranson, Planning Policy Manager	Tel: 01572 758238 rranson@rutland.gov.uk
Ward Councillors	All	

DECISION RECOMMENDATIONS

That Cabinet:

1. Considers all responses to the consultation undertaken on the draft revised Statement of Community Involvement.
2. Adopts an amended revised Statement of Community Involvement as set out in Appendix 1 of this report.

1 PURPOSE OF THE REPORT

- 1.1 Cabinet is requested to consider the responses to the consultation undertaken on the draft revised Statement of Community Involvement which has been the subject of a non-statutory public consultation exercise which are summarised in the table in Appendix 2 of this report.
- 1.2 In addition, Cabinet is requested to adopt an amended revised Statement of Community Involvement as set out in Appendix 1 of this report, which has taken account of the responses to the public consultation which are set out in Appendix 2.
- 1.3 The review of the Statement of Community Involvement (SCI) has been undertaken in order to
 - (a) encompass statutory changes to planning regulations for policy making, neighbourhood planning and development management; and
 - (b) allow national guidance in relation to Covid 19 to be incorporated into the SCI ensuring that the planning function can continue to operate within current restrictions.
- 1.4 Review of the SCI at this time will also allow progress with the Local Plan consultation, enabling the statutory (“Regulation 19”) consultation (and subsequent stages) regarding the Local Plan approved by Council in February 2020 to take place as encouraged by Government guidance.
- 1.5 Supporting the continuity of the planning function in the County will aid the recovery of the local economy and the economic resilience of the County by providing greater certainty and confidence for future investment and development.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 A four week consultation was undertaken on the amended revised Statement of Community Involvement approved for consultation by Cabinet at its meeting on 16th June 2020. This took place between 19th June and 17th July 2020.
- 2.2 A summary of the responses made to that consultation together with Officer comments on responses are set out in Appendix 2.
- 2.3 The report to Cabinet in June highlighted that the Council needs to comply with Regulation 35 (1) of the Local Plan Regulations regarding the availability of documents for all Local plan consultations including proposals for the pre-Submission Local Plan statutory (“Regulation 19”) consultation. This specified that a document is to be taken to be made available by a local planning authority when—
 - (a) made available for inspection, at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours; and
 - (b) published on the local planning authority’s website.

- 2.4 This requirement was taken into account in preparing the amended revised SCI for Cabinet consideration and subsequent consultation. On 15th July 2020, however, the Government issued amended Regulations regarding this particular requirement. New Regulation 36A(1)(a) modifies Regulation 35(1) of the 2012 Regulations so that a document will be taken to be made available by a local planning authority under the Regulations when it is published on the authority's website. The modification removes the requirement on a local planning authority to make the document available for public inspection at the authority's principal office and at such other places as the authority considers appropriate. It is intended that these amendments will remain in place until the end of the calendar year.
- 2.5 The amended Regulations have been supplemented by more detailed guidance published by the Government. This sets out:

How do The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 change the requirements to make certain documents available for inspection and on request?

These regulations make temporary changes to how documents are required to be made available under regulation 35 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 documents available for public inspection at the authority's principal office and at such other places as the authority considers appropriate. They also make temporary changes to regulation 36 of the 2012 Regulations to remove the requirement on a local planning authority to provide hard copies of documents made available under regulation 35. Documents are still required to be made available on the local planning authority's website. This modification will apply until 31 December 2020. See [further detail](#).

Paragraph: 079 Reference ID: 61-079-20200715

Consultation on revised draft SCI

- 2.6 A total of 1362 individuals and organisations were on the Local Plan mailing list at the start of the SCI consultation. They were all sent a notification about the SCI consultation (621 letters and 741 emails). In total, 139 responses were received by the close of the consultation. It is worth noting that only 17 responses were received to the first review of the SCI in 2014. Details of the responses made to the consultation can be found in Appendix 2 of this report. This sets out a summary of the responses received about each question and the Officer Response to them, including suggested changes which should be made to the SCI where appropriate. Some of the responses received set out comments outside the scope of the consultation which was focussed on the proposed changes to the SCI.
- 2.7 **There are a number of key issues emerging from the consultation, which are summarised below:**
- 2.7.1 **The following groups were identified by respondents as being under-represented in the planning process:**

Armed Forces	People without access to public transport
Veterans	Homeless
Older people and vulnerable people	Those with learning difficulties
People without access to the internet or computer skills	Parish Forums
People for whom English is not their first language	LEPs
Secondary Schools and FE college	

- 2.7.2 **Concern that the changes proposed to the SCI were not clearly articulated:** In particular it is apparent that many of those responding had interpreted the changes to the SCI as restricting future consultation to online response forms only, it was also identified that there was a lack of clarity over the reason for including Appendix 4 on Neighbourhood Plans and a lack of clarity about the role of community engagement in the planning application process.
- 2.7.3 **Focus on electronic responses:** Respondents are concerned that future consultation should not be undertaken solely in digital formats and that letters and paper response forms should be allowed.
- 2.7.4 **Engaging with those without access to the internet:** Considerable number of responses indicated that those without home internet access or the computer skills to respond to consultation would be disadvantage if consultation was undertaken in web based format only. As Rutland has an aging population and those aged over 65 are considered less likely to have home access to the internet respondents consider this is a significant issue for the elderly and vulnerable within the Rutland.
- 2.7.5 **Role of the Parish Forum:** concern amongst some Parish Councils about the removal of a specific reference to the Parish Forum, as this is seen as playing an important role in identifying issues and concerns of the general population.
- 2.7.6 **Need to provide paper copies of planning application** documents and to inform more than immediate neighbours of large scale planning applications: Some concern that the methods of notifying people about applications which might affect them are insufficient and that there is still a need to paper copies of applications to be available, particularly for major applications. Comments were also made that appendix 5 should set out who would be notified of planning applications.
- 2.7.7 **Legality and appropriateness of the consultation on this SCI:** Some concern has been indicated about the approach undertaken to the consultation, particularly restricting responses to the online forms; the clarity of what was being changed and why; and that the consultation does not meet Governments Code of Practice or the Gunning Principles.

- 2.8 Appendix 1 sets out changes to the SCI (Second Review) to reflect the consultation responses received and the recent temporary amendment to the Local Plan Regulations. Cabinet is requested to consider and approve these changes. Changes are shown in the Appendix as deleted text and new text is highlighted in grey. These changes take account of national planning policy guidance with respect to amending SCIs regarding engagement with those without access to the internet as highlighted in the previous report to Cabinet. In particular, this states under

Paragraph: 078 Reference ID: 61-078-201200513

“the local planning authority should then make any temporary amendments that are necessary to allow plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable. Local planning authorities are strongly encouraged to use online engagement methods to their full potential. Appropriate methods include virtual exhibitions, digital consultations, video conferencing, social media and providing documents for inspection on a public website. Authorities will also need to take reasonable steps to ensure sections of the community that don’t have internet access are involved and consider alternative and creative ways to achieve this. Authorities may wish to consider engaging sections of the community, that do not have internet access, through representative groups rather than directly, targeting only people in areas most affected by proposals, and allowing individuals to nominate an advocate to share views on their behalf. Consulting by telephone or in writing can also be used where this is feasible and alternatives can’t be identified. Opportunities to combine public consultations can be explored so that offline methods can be made more cost effective”.

- 2.9 The key points emerging from the consultation as summarised above have been taken into consideration and have been appropriately addressed in the Proposed SCI set out in Appendix 1.

- 2.10 The proposed SCI also appropriately deals with the Government Guidance which highlights that authorities need to take reasonable steps to ensure sections of the community that don’t have internet access are involved. In this regard, it is noted that whilst data sets from the Office of National Statistics do indicate that internet usage amongst the over 65s’ is proportionately lower than it is across the whole population (which is about 90% regular usage for the East Midlands population), there is still a significantly high proportion of those aged 65 or over with access to the internet. Information sourced through the Covid Shielding process indicated that less than 10% of those in this age group who were shielding did not have access to the internet. This reflects national data which indicates that 12% of the Leicestershire and Rutland population never use the internet.

- 2.11 In summary, the issues and changes to the SCI set out in Appendix 1 cover:

Key Issue	Proposed Action
Legislative changes introduced on 15 th July 2020	Amend section 1 to reflect legislative changes introduced on 15 th July and provide greater clarity about the need to update the SCI now and for it to be reviewed once the current Covid-19 related restrictions have been removed.

Provide clarity about the purpose and role of the SCI in plan making	This is already set out in sections 1 and 2 however further clarification of this has been added.
Using additional means of engaging	Clarify that the methods set out in the Appendices 1-4 are the MINIMUM requirement for consultation on the different policy documents at different stages. This is to ensure that the minimum requirement can be met and to provides flexibility for the use of additional forms of consultation and engagement depending upon the issue and the stage at which the document is at.
Engaging those without internet access and who cannot access documentation	New section added into Section 3 setting out the additional measures we are putting place to address the needs of those without internet access. This goes beyond the minimum set out in the Appendices.
Focus on electronic responses	Government guidance is to focus on web based and electronic communication, and it should be recognised that the draft SCI did not prevent the submission of responses by email, letter or paper form, however this has been clarified.
Role of the Parish Forum	Rather than specify that the Parish Forum is a stakeholder, changes proposed to the SCI set out that each Parish and Town Council and the parish meetings were key stakeholders in their own right and that the Council would use a variety of means to engage with them (this could include amongst other formats the Parish Forums and/or the weekly Parish Briefings introduced to communicate through the Covid19 pandemic). In this way the changes make the SCI more flexible and adaptive to changing circumstances, therefore no further change is proposed to this paragraph.
Planning application process not inclusive	The changes to this section of the SCI are not substantial and fully reflect current statutory requirements. No further changes have been proposed.
Legality and appropriateness of the consultation on this SCI (with reference to the Gunning Principles and the Governments Code of Practice)	Consultation on the SCI is optional and there are no planning regulations to determine the format of consultation on an SCI. The process undertaken is considered appropriate and proportionate, particularly given that it relates only to changes in the legislation since adoption of the SCI in 2014 and, in response to the restrictions during the pandemic. Clear views have been received from the community about the proposed changes and these have been considered and taken into account in the final SCI document.
Legality of undertaking Local plan Regulation 19 consultation	The Government has introduced changes to legislation which enable consultation at Regulation 19 to proceed in an entirely web based format. They have also issued guidance which encourages Planning Authorities to continue to make progress with Local Plan preparation. The SCI reflect this and also that all reasonable steps will be taken to ensure consultation is nonetheless

	carried out fairly and effectively. It is therefore appropriate for the Council to continue to make such progress with the plan which was approved by Council in February this year.
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- 2.12 The outcome of the SCI consultation and the proposed additional changes to the SCI will be presented to Overview and Scrutiny Committee on 13th August 2020. Members of Cabinet will be informed of the views of the Committee at its meeting.
- 2.13 If the SCI is approved by Cabinet then it is proposed to undertake the Local Plan statutory (“Regulation 19”) consultation over a six week period, commencing on 28th August 2020.

3 CONSULTATION

- 3.1 Three stages of consultation have taken place in the preparation of the Local Plan and the recommendation to approve an amended SCI as set out in Appendix 1 will enable the statutory consultation on the plan at Regulation 19 to commence.
- 3.2 The SCI is not a development plan document and there is no statutory requirement to consult on a review of it. However, the Council had indicated its intention to consult on the SCI Review in the LDS approved by Cabinet in December 2019. Therefore, a four week consultation was undertaken on the reviewed SCI as outlined above. It is for the Council to determine the nature and form of that consultation; in undertaking this consultation voluntarily, the Council nevertheless need to ensure that it is carried out properly and fairly, relative to the issues consulted on. This consultation is not covered by any legislative requirements and Officers consider that it has been carried out properly and fairly, relative to the issues consulted on. The exercise undertaken is considered appropriate and proportionate, particularly given that it relates only to changes in the legislation since adoption of the SCI in 2014 and, in response to the restrictions during the pandemic, the method of consultation with the community. Clear views have been received on what are seen as shortcomings with the proposals as seen from the Summary of Consultation Responses and these have been considered and taken into account in the final SCI document.
- 3.3 In line with Government guidance regarding that it is good practice for authorities to inform the public of their intentions to update the SCI and of the changes that have been made. In addition to the public consultation, measures will be undertaken to inform the public through press releases, newsletter and emails to those on the planning policy consultation database.

4 ALTERNATIVE OPTIONS

- 4.1 The alternative option is to consider any further additional amendments to the SCI or, in the case of the Local Plan consultation to await the time when the current SCI can be used as the basis of the Local Plan consultation.
- 4.2 Officers consider that the SCI set out in Appendix 1 forms an adequate and appropriate basis for consultation on planning matters, taking account of all responses to the consultation and the most recent changes to legislation and Government guidance.

- 4.3 At present, there is still some uncertainty when the Council would be able to conduct consultation within the context of the current SCI and there is a need for the SCI to be revised to deal with statutory changes to planning regulations. The proposed amendments to the SCI would therefore provide the opportunity to maintain progress with the Local Plan in order to aid the economic recovery of the County following the likely impact of the Covid-19 situation on the local economy. In addition, some of the changes to the SCI are required to encompass statutory changes to planning regulations for policy making, neighbourhood planning and development management. It is intended to consider reviewing the SCI again when appropriate to do so following the further easing of Covid-19 restrictions.

5 FINANCIAL IMPLICATIONS

- 5.1 The Council has a budget in 20/21 to deal with costs arising from the development, consultation and examination stages of the Local Plan. In respect of the consultation stage, there will be some additional costs with respect to printing and distribution in making the proposed changes to the SCI. These are unquantified at present but are expected to be small and should be contained within existing budgets.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The Council must comply with any commitments it has made in the adopted Statement of Community Involvement (SCI). Government advice contained in the National Planning Policy Guidance and Covid19 Guidance recommends that changes should be made to SCI to ensure that Local Plans can continue to progress. The SCI has been reviewed to reflect this guidance and other statutory and regulatory changes relating to the planning function.
- 6.2 Local Authorities are required by legislation to prepare a Local Plan to set the local planning framework for their area. The current Local Plan adopted in 2011 was intended to cover the period until 2026. There is a need to ensure the plan is up to date through a review of the Plan. Failure to have an up to date local plan in place limits the Council's ability to influence the quantum, location and quality of development in its area. The Government have made clear that they expect Councils to have a local plan in place.
- 6.3 The Neighbourhood Planning Act 2017 provides for intervention in the local plan making process. In November 2017, the Government confirmed that it would use these powers to intervene in the case of 15 Councils who failed to meet their deadlines for publishing local plans. The Secretary of State went on to say, "the remaining authorities who are not making progress on their plan-making and fail to publish a plan for consultation, submit a plan to examination or to keep policies in plans up to date are on notice that consistent failure to make sufficient progress will no longer be tolerated. My Department will begin formally considering the case for intervention as deadlines are missed". As a consequence, the threat of intervention into Rutland's Local Plan would be more immediate than previously anticipated should the Council fail to make progress towards submitting a plan for examination by a Local Plan Inspector.
- 6.4 The Council has produced the Pre-Submission version of the Plan in line with the

statutory requirement to do so and this has been approved by Council in February 2020. The Council is required by statute to invite representations on the Proposed Submission Documents (i.e. the Plan, the Sustainability Appraisal and other relevant supporting documents) over a 6 week period prior to Submission to the Secretary of State. These representations should be on matters of soundness and legal compliance only, as these are the only matters the Inspector can consider at the Examination.

7 DATA PROTECTION IMPLICATIONS

7.1 A Data Protection Impact Assessments (DPIA) has not been completed.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 Section 149 of the Equality Act 2010 requires public authorities to have due regard to several equality considerations when exercising their functions. Section 149 replaced pre-existing duties concerning race, disability and sex. It extended coverage to the additional “protected characteristics” of age, gender reassignment, religion or belief, pregnancy and maternity, sexual orientation and, in certain circumstances, marriage and civil partnership.
- 8.2 The report to Cabinet in June highlighted that an equality screening assessment taking account of the amended proposals for the SCI is required. This is attached as Appendix 3 of this report. This assessment recognises that there will be a varied impact arising from the proposed changes on the population, particularly those residents who are without home access to the internet which is likely to be higher among the elderly, with age being a protected characteristic.
- 8.3 The SCI set out in Appendix 1 acknowledges the need to put in place additional measures to address the needs of those without home access to the internet as well as measures designed to engage specifically with underrepresented groups (who do not normally engage in planning). Many of these groups represent people within the community who fall within the protected characteristics covered by the Equalities Act. Additional information has been included in the SCI about how the Council will seek to engage with those who do not have access to the internet and are unable to respond to documents in an electronic format. Access to the Internet will vary. The revised SCI reflects that limited telephone information in relation to queries is still available as an alternative to email or face-to-face contact (the latter probably being impracticable due to Covid-19), and so makes it clear that non-electronic representations can be made with or without the standard form. This has been made much clearer in the revised SCI at Appendix 1.
- 8.4 In addition, it is still intended that relevant documents with respect to the Local Plan statutory consultation will be made available for inspection at Catmos on a booking system which allows the Council to implement appropriate arrangements which meet Covid 19 Restrictions. This arrangement will be in place despite the recently amended Local Plan Regulation which, for a temporary period, no longer require this. Consideration will also be given to the ability to safely make copies of the documents available for inspection in libraries as they begin to re-open in the coming months. Town and Parish Council and Parish Meetings will also be encouraged to make similar arrangements for consultation documents to be made available within their own communities. Planning Officer’s continue to be available by telephone and a triage system is being put into place to ensure that people

calling the Council can be directed to the most appropriate place/person to help them access consultation materials.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 In the interests of public safety, the proposed consultation on the Local Plan will be undertaken in line with Government advice on social distancing in response to Covid-19.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 None identified.

11 ORGANISATIONAL IMPLICATIONS

- 11.1 Environmental implications - None identified
- 11.2 Human Resource implications - None identified
- 11.3 Procurement Implications - None identified

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The current SCI has been reviewed in order to update all elements of community engagement in the planning process with respect to statutory changes to planning regulations for policy making, neighbourhood planning and development management as well as to address issues related to Covid-19 restrictions.
- 12.2 The SCI set out in Appendix 1 will provide the opportunity to maintain progress with the Local Plan in circumstances where there are limitations on access, movement and face to face contact which make the current provisions of the SCI impossible to implement for an uncertain period of time.
- 12.3 The proposals are in line with recent guidance issued by the Government. The Covid-19 related changes to the SCI are temporary and the SCI will need to be reviewed again once current restrictions on movement and contact is lifted.

13 BACKGROUND PAPERS

- 13.1 There are no additional background papers to the report.

14 APPENDICES

- 14.1 Appendix 1 – Proposed Reviewed Statement of Community Involvement
- 14.2 Appendix 2 – Consultation response to the public consultation on a draft Statement of Community Involvement.
- 14.3 Appendix 3 – SCI Equality Impact screening assessment

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.