

**Bolsover District Council**

**Planning Committee**

**Date: 25<sup>th</sup> October 2017**

**Proposed Update of the Statement of Community Involvement**

**Report of the Joint Assistant Director of Planning and Environmental Health**

**Purpose of the Report**

- To update members on recent legislative changes<sup>1</sup>.
- To set out the impact of these changes on the Council's Statement of Community Involvement; and the need to update the Statement of Community Involvement.

**1 Report Details**

- 1.1. The requirement for a Statement of Community Involvement (SCI) is set out in Section 18 of the Planning and Compulsory Purchase Act 2004. However, the recent (2017) Neighbourhood Planning Act inserted a number of changes to the Planning & Compulsory Purchase Act, including a number additional requirements in relation to the SCI. These are:
- A requirement to set out the authority's policy in relation to public involvement in relation to evidence base work<sup>2</sup>;
  - A requirement to set out the authority's policy in relation to public involvement in relation to the Council's Local Development Scheme<sup>3</sup>;
  - The Council's policies for giving advice or assistance in relation to neighbourhood planning initiatives (i.e. Neighbourhood Plans; Neighbourhood Development Orders; & Community Right to Build Orders).
- 1.2. The proposed changes also make some minor adjustments to the development control approach to consultation to reflect legislative changes and minor amendments to procedure.
- 1.3. As part of the process of developing new planning documents the Council uses statistical information and compiles or commissions analysis and studies on a

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<sup>1</sup> The Neighbourhood Planning (General) (Amendment) Regulations 2015; The Housing and Planning Act 2016; The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016; The Neighbourhood Planning Act 2017; The Planning and Compulsory Purchase Act 2004 (as amended); and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016.

<sup>2</sup> Section 13 of the Planning and Compulsory Purchase Act 2004 (as amended) by the Neighbourhood Planning Act 2017

<sup>3</sup> Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) by the Neighbourhood Planning Act 2017

wide range of topics. Together these documents make up the 'evidence base' on which planning policy documents are based.

- 1.4. Some of these evidence base documents deal with purely factual information, such as the number of people in the district and where they live. However, other documents contain qualitative and quantitative information. Local people and stakeholders have an important role in developing these documents, either by contributing their local knowledge, or giving their views through survey work. Examples of this type of collaboration are set out in table 1 of the draft SCI attached at Appendix 1.
- 1.5. All of the documents in the Council's evidence base are published on the Council's website. However, whilst collaboration on evidence base documents is invaluable, there is a need to balance this with the need to produce a local plan without significant delays, and also to avoid consultation fatigue.
- 1.6. To comply with the new requirement to set out the Council's policy in relation to the development of evidence base documents, it is proposed that collaboration will continue to take place with individuals and local communities in a proportionate way, depending on the type and scope of the evidence base document.
- 1.7. The part of the Act<sup>4</sup> dealing with the timetable for the production of development plan documents (the Local Development Scheme), requires the geographic area of the proposed plan to be set out, and whether any document is proposed to be produced jointly with other local planning authorities. In these circumstances, it is considered that people may well have an interest or views on whether not they fall within the area of the proposed plan, and the extent of any joint working.
- 1.8. However, within the current Local Development Scheme for Bolsover district, the Council has resolved to produce a single, district wide local plan. In these circumstances, it is considered that the level of interest in the timetable will not be high. It is therefore proposed that:
- 1.9. Where any new Local Development Scheme produced relates to the development of a single district wide local plan for the district, a draft Local Development Scheme is the subject of public consultation. This would involve the draft Local Development Scheme being the subject of a press release and being published on the Council's website for public comment, with a period of 14 days for comment. Following this, any comments would be considered, and any appropriate amendments made before the Local Development Scheme came into effect:
- 1.10. This policy in the SCI is reviewed, where a new Local Development Scheme proposes the production of either a joint development plan with another authority, or a plan relating to only part of the district, with a view to increasing the level of public involvement in the Scheme.
- 1.11. In relation to neighbourhood planning initiatives, the only parish in the district that is currently developing a neighbourhood plan is Tibshelf. However, the above requirements apply regardless of whether any interest has been expressed by town

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<sup>4</sup> Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended)

or parish council's in developing neighbourhood planning or not. The neighbourhood planning protocol is a bi-lateral agreement, setting out the process for developing neighbourhood planning initiatives, and help the Council will give in their production. It also contains a lot of useful back ground information. The protocol has also been updated to reflect recent legislative changes, and a report on this is also on the agenda. To comply with the updated legislative requirements, it is proposed to reproduce part of the protocol in the Statement of Community Involvement.

- 1.12. In addition to the above changes, it is also proposed to make some minor amendments to reflect current working practice, and changes to refer to updated Regulations.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 Based on the changes in recent legislation, the Statement of Community Involvement needs to be updated and expanded. Not to update the Statement of Community Involvement would leave the Council vulnerable to claims of not following the correct procedures at planning appeals and public enquiries.
- 2.2 The additional policy measures proposed above are considered to constitute a balance between the need to comply with the latest requirements and encourage involvement in the consultation process and the need to progress the local plan and determine planning applications in a timely and cost effective manner.
- 2.3 An updated copy of the Council's Statement of Community Involvement is attached at Appendix A.

## **3 Implications**

### **Finance and Risk Implications**

- 3.1 The Statement of Community Involvement will help guide consultation on the emerging Local Plan. Work on the new Local Plan can be funded from existing budgets. It is important that this budget is maintained in future years.

### **Legal Implications including Data Protection**

- 3.2 The Council has a statutory duty to comply with the relevant planning legislation and regulations.

### **Human Resources Implications**

- 3.3 The work to update the Council's Statement of Community Involvement was not scheduled in the work programme. It has been necessary to do so comply with the government's legislative changes.

## **4 Recommendations**

- 4.1 That the Planning Committee:
  - 1) Notes the detailed issues set out in this report;

- 2) Adopts the updated Statement of Community Involvement (attached as Appendix A to this report).\*

\*Part of the SCI relates to an updated approach to the Neighbourhood Planning protocol, which will require the agreement of the Executive.

## 5 Document Information

Appendix No	Title
Appendix A	Statement of Community Involvement
<p><b>Background Papers</b> (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 (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
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