

REPORT TO EXECUTIVE

Date of Meeting: 31 May 2022

REPORT TO COUNCIL

Date of Meeting: 19 July 2022

Report of: Director of Planning and Development

Title: New Statement of Community Involvement: Proposed adoption

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The report concerns Exeter's new Statement of Community Involvement (SCI). This is a document, that every Local Planning Authority must prepare, that sets out how the public, organisations and other interested parties will be involved in planning matters. The new SCI will replace the existing SCI that was adopted in 2005.

1.2 A report was brought to Executive on 8th July 2021 proposing a draft SCI for consultation. The draft SCI was published for consultation for a period of eight weeks alongside the Exeter Local Plan 'Issues Consultation' that took place last autumn. This report (together with Appendix A) summarises the consultation comments received, presents the Council's response to these comments, and proposes revisions to the draft SCI. A final SCI (Appendix B), incorporating the proposed revisions, is proposed for adoption by Council.

2. Recommendations:

- (1) That the Executive gives delegation of authority to the Director of Planning and Development, in consultation with the Council Leader and the Portfolio Holder for City Development, to make minor editorial changes to the final SCI document; and
- (2) That Executive support and Council adopts the final Statement of Community Involvement including any minor changes (as per recommendation 1).

3. Reasons for the recommendation:

3.1 To provide an up-to-date SCI that addresses all legislative requirements and ensures the public, organisations and other interested parties can input into decisions on planning applications and help inform policy preparation, including the development of the new Exeter Local Plan.

4. What are the resource implications including non financial resources?

4.1 The drafting and consultation on the draft SCI have already taken place. There are no additional resource implications relating to adopting the final SCI.

5. Section 151 Officer comments:

5.1 There are no financial implications for Council contained within this report.

6. What are the legal aspects?

6.1 The preparation of an SCI, setting out how a local authority will involve its communities, businesses and other interested parties in the preparation of planning policies and in determining individual planning applications, is a legal requirement under section 18 of the Planning and Compulsory Purchase Act 2004. There are currently no formal or regulatory requirements setting out how an SCI should be prepared and there is no legal requirement to consult on its contents. However, in order to follow best-practice a draft SCI has been consulted on and amendments made in response to this consultation.

7. Monitoring Officer's comments:

Please see the content of Paragraph 6 above.

8. Report details:

Background

8.1 The 2004 Planning and Compulsory Purchase Act (section 18) requires local planning authorities to prepare an SCI which covers how the Council will consult on planning policy preparation and planning applications. Exeter's existing SCI was adopted in 2005 and is therefore somewhat dated. A review of the existing SCI reveals that it does not meet the current legislative requirements, specifically in that it does not specify how the authority will deal with the duty to support Neighbourhood Planning (inserted by the Neighbourhood Planning Act 2017).

8.2 A new SCI was drafted in the summer of 2021 and approved by members for consultation at Executive on 8 July 2021.

Consultation

8.3 Whilst there is no legislative requirement for consultation on the SCI, an eight week period of consultation was undertaken (from 20 September to 15 November 2021) to meet best practice and adhere to the Council's Consultation Charter (indeed the period of consultation on the draft SCI exceeded the 6 weeks required by the Consultation Charter). The draft SCI was published on the Council's website (alongside the Exeter Local Plan 'Issues Consultation') so that residents and stakeholders could easily see what is proposed and how to comment.

Comments received and changes to draft SCI

8.4 Responses to the consultation have been analysed and consideration given to what revisions may be needed to the draft SCI. A summary of the comments made, the Council's response, and the proposed changes, is attached as Appendix A.

8.5 The key amendments proposed to the document are presented below:

- The final SCI now states that we will always try to communicate in plain English and fully explain any necessary technical language or acronyms
- The list of relevant planning matters has been amended to include economic dis-benefits
- Reference to Masterplans has been added to the 'planning policy' section
- Additional text has been inserted into the final SCI to ensure it is clear that, in addition to consulting statutory consultees, we will consider whether there are reasons to engage with other, non-statutory, consultees. This text is inserted into the sections relating to 'planning policy' and 'planning applications and permissions'.
- Reference to the Consultation Charter has been inserted into the final SCI. This will ensure it is clear that all future consultations in relation to planning policy will adhere to the Consultation Charter.
- Text has been inserted to encourage developers and applicants to engage with Historic England and other statutory consultees
- A new appendix has been inserted that lists all the specific and general consultation bodies to be consulted during the preparation of a Local Plan and other planning policy documents. This includes Historic England.
- The list of statutory consultees has been revised to include reference to Exeter Airport.
- Some brief additional text has been added to make reference to the Liveable Exeter concept.
- References to Exeter St James Forum have been deleted as this body has been dissolved.

8.6 A number of other minor text changes and corrections have also been made to improve readability, clarity and understanding (all proposed changes are listed in Appendix A).

The Final SCI

8.7 The changes listed above (together with the other minor text changes) have been incorporated into the final version of the SCI which is attached as Appendix B.

8.8 Whilst the final version of the SCI is amended from the draft version, the document continues to balance the need to consult with the need to make rapid progress on the new Exeter Local Plan and to allow flexibility in changing times, whilst also meeting the legislative requirements.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The new SCI sets out how we will consult on planning applications and the preparation of planning policy, including the new Exeter Local Plan. In this way the new SCI will help deliver development that meets three corporate objectives:

- Building great neighbourhoods;
- Tackling congestion and accessibility; and
- Promoting active and healthy lifestyles.

10. What risks are there and how can they be reduced?

10.1 There are minimal risks as the SCI is a statutory requirement, we have consulted and made revisions and we are not committing additional resources. Furthermore, we will need to review the SCI in 5 years (as required by the Town and Country Planning (Local Planning) England Regulations 2021 (as amended)). Revisions can be made at that point if required.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending the adoption of the new SCI, potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 There are no direct carbon/environmental impacts arising from the recommendations. However, the new SCI puts more emphasis on the potential use of significant electronic, online and social media platforms which will help minimise the carbon impact of consultations.

13. Are there any other options?

No. The preparation of an up-to-date SCI is a statutory requirement.

Director of Planning and Development, Ian Collinson

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- Statement of Community Involvement (Adopted 13 December 2005)
- Draft Statement of Community Involvement (September 2021)
- Equality Impact Assessment: Final SCI

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