

Report to:	Cabinet
Date:	24 October 2018
Title:	Revised Statement of Community Involvement
Report of:	Director of Regeneration and Planning
Cabinet member:	Councillor Jonathan Dow (Cabinet member for Place Services)
Ward(s):	All
Purpose of report:	To highlight changes to the Eastbourne Statement of Community Involvement (SCI) required as a result of the Neighbourhood Planning Act 2017, and for members to authorise the publication of a revised Statement of Community Involvement for public consultation with the local community and othe stakeholders for an 8 week period.
Decision type:	Key decision
Officer recommendation(s):	<ol style="list-style-type: none"> 1. To approve the revised Statement of Community Involvement (SCI) as set out in Appendix 1, for publication for an 8 week consultation period to receive representations and comments. 2. To delegate authority to the Director of Regeneration and Planning in consultation with the Lead Cabinet Member to make minor or technical amendments arising from the consultation and to seek its adoption by Full Council
Reasons for recommendations:	<p>The Council's previous SCI is considered to be out of date as a result in changes in legislation since it was adopted on 19 July 2017 and a new SCI is being prepared to guide public consultation in the preparation of the new Local Plan for the town.</p> <p>To ensure the new SCI is progressed towards adoption in a timely manner thereby supporting the implementation and delivery of the new Local Plan.</p>

Contact Officer(s): **Name: Gerda Zijm**
Post title: Planning Policy Officer
E-mail: Gerda.Zijm@lewes-eastbourne.gov.uk
Telephone number: (01273) 085870

1.0 Introduction

- 1.1 A Statement of Community Involvement (SCI) sets out the Council's approach to consulting the local community and other stakeholders on planning matters within the local planning authority boundary.
- 1.2 The Council's existing SCI was adopted on 19 July 2017 :a revision is required to take into account the introduction of the Neighbourhood Planning Act 2017.The Neighbourhood Planning Act 2017 states the SCI must set out the Council's policies for advising and assisting with neighbourhood planning . In addition the SCI must include policies for involving interested parties in the preliminary stage of plan making (save where the Council has complied with the initial preparation requirements before 31 July 2018).
- 1.3 Before the revised SCI can be adopted, it should be published for consultation with the local community and other stakeholders. It is proposed that public consultation on the draft revised SCI should take place for an 8 week period between 26 October and 21 December 2018, in line with the principles set out in the existing SCI. The draft revised SCI is provided at Appendix 1.

2.0 Background

- 2.1 The Planning & Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement (SCI), which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. It is a legal requirement that any consultation on Local Plans is undertaken in accordance with the adopted SCI.
- 2.2 The Localism Act 2011 introduced the concept of 'neighbourhood planning', which gives local communities the ability to prepare their own neighbourhood plans to shape development within their neighbourhood and devised their own planning policies. Once adopted, these neighbourhood plans have the same status as the Council's Local Plan. Neighbourhood planning is not a legal requirement but a right which communities can choose to use.
- 2.3 Within urban boroughs such as Eastbourne, neighbourhood planning can only be undertaken by a neighbourhood forum. The neighbourhood forum and the

designated area that they would like to plan for must be first approved by Eastbourne Borough Council. Currently, there are no designated neighbourhood areas within Eastbourne.

- 2.4 The Neighbourhood Planning Act 2017 amends the Planning & Compulsory Purchase Act 2004 to require that a Council's Statement of Community Involvement must set out the local planning authority's policies for giving advice or assistance on proposals for making of neighbourhood development orders and on proposals for modification of neighbourhood development plans. This applies regardless of whether or not an area within the local authority's area has been designated as a neighbourhood area. The proposed revisions to the SCI mainly relate to this legislative requirement.

3.0 Proposed revisions to the SCI

- 3.1 The proposed revisions to the SCI principally relate to the Council's approach and procedures in relation to assisting the community with Neighbourhood Planning. The changes are focused on strengthening the procedures for supporting Neighbourhood Planning in Eastbourne.
- 3.2 The revisions to the SCI with regard to Neighbourhood Planning are limited to three areas: the responsibilities of the Council; assistance and advice from the Council; and consultation methods in neighbourhood planning.

The responsibilities of the Council

- 3.3 The Localism Act 2011, Neighbourhood Planning Act 2017 and other relevant legislation set out the Council's responsibilities. All the Council's responsibilities in relation to the designation of a neighbourhood area/forum, arranging for covering costs, determining and advising as to whether all basic conditions are met and providing information are set out in accordance with this legal requirement, including the responsibility to giving advice and assistance to groups engaged in or seeking to engage in Neighbourhood Planning.

Assistance and advice of the Council

- 3.4 The SCI sets out the possible methods that the Council could use to support neighbourhood planning. This includes:
- on-going advice with a focus on the conformity of the Neighbourhood Plan/Order with the existing national and local planning framework,
 - assistance in (timetabling, consultation events, site selection and relevant legislation,
 - providing examples,
 - practical assistance

Consultation methods in Neighbourhood Planning

- 3.5 Neighbourhood forums will decide how they want to involve their communities in the preparation of their neighbourhood plans. The SCI is a Council document and cannot prescribe the consultation methods that a neighbourhood forum should use. However, it does suggest a wide range of consultation methods that could be used, and these have been devised as a result of surveys and consultation with the objective of improving participation.

Other amendments

- 3.6 In addition to the inclusion of Neighbourhood Planning related information, some minor amendments have been proposed:
- The reference to data protection legislation has been updated, required by the adoption of the General Data Protection Regulation, brought into force in 2018.
 - The reference to the NPPF has been updated as a revised NPPF was published in July 2018.
 - The reference to the Neighbourhood Planning Act 2017 is included, the inclusion of the Council's policy on advice and assistance in neighbourhood planning made this necessary.
 - The reference to neighbourhood planning in the Localism Act 2011 was included for the same reason.
 - The insertion of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 states a review must be completed every five years starting from the date of adoption of the SCI. As such, the 'Monitoring and Review' section of the document has been amended to reflect.

4.0 Consultation

- 4.1 It is proposed that public consultation on the revised SCI should take place for an 8 week period (in line with the proposals contained within the SCI) between 26 October and 21 December 2018.
- 4.2 Consultation on the draft revised SCI will follow the principles set out in the draft document. In addition to the basic standards, it is considered that the following additional methods are appropriate for consultation on the draft revised SCI:
- Production of leaflets/posters to advertise the consultation
 - The provision of summary documentation
 - Engaging community organisations/groups
- 4.3 Following the conclusion of the consultation, representations will be fully considered and recommendations for any further amendments considered

necessary will be presented to Cabinet in February 2019. Once these have been approved, the SCI should go forward to Full Council for formal adoption. It will then be used to direct public consultation on the new Eastbourne Local Plan, which is anticipated to take place in summer 2019.

- 4.4 Due to the amended wording in the section on Monitoring and Review, the SCI will be reviewed every 5 years. This commits the Council to reviewing the issues and themes within the SCI on a regular basis, as required by legislation.

5.0 Corporate plan and council policies

- 5.1 EBC Corporate Plan firmly supports the importance of community involvement. Working together with other authorities, organisations and the residents is viewed as a fundamental necessity for achieving the goals.
- 5.2 Although neighbourhood planning in Eastbourne is yet to be taken up by the community, the Council should be proactive in providing information to communities about neighbourhood planning. By amending the SCI to update the Council's commitment to support the community to get involved with planning, it is taking another step towards making neighbourhood planning more accessible to the community.

6.0 Financial appraisal

- 6.1 There are not considered to be any financial implications for the General Fund base budget and Finance have no comments to make on the proposal. The cost of the consultation and publication of the SCI and the requirements of the SCI for future consultation will be met from within the service budget. Financial resources will be taken into consideration when determining the specific approach to consultation on a planning policy document.

7.0 Legal implications

- 7.1 Section 18 of the Planning and Compulsory Purchase Act 2004 provides that a Local Planning Authority must prepare a Statement of Community Involvement. The document is also being prepared in order to secure compliance with Regulation 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and with regard to the requirements of the National Planning Policy Framework.
- 7.2 The Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018 brings into force changes required to be made to SCIs prescribed by the

Neighbourhood Planning Act 2017 (namely Sections 6 and 13 of the Act, which amend Section 18 of the Planning and Compulsory Purchase Act 2004).

- 7.3 Regulation 12 of the Town & Country Planning (Local Planning) (England) Regulations 2012 requires that before the SCI is adopted, a statement setting out details of those consulted when preparing the SCI, together with a summary of the main issues raised, must be prepared. Any relevant issues raised during the consultation will need to be addressed in the SCI.

Legal Implications Provided 05.09.2018 007622-EBC-HM

8.0 Risk management implications

- 8.1 The production of the new Eastbourne Local Plan is required to be produced in conformity with an adopted SCI. The requirements of the Neighbourhood Planning Act 2017 as they relate to Statements of Community Involvement came into force on 31st July 2018, which means that the current SCI is not up to date. Any delays in the adoption of the revised SCI could impact on the timetable for the production of the new Eastbourne Local Plan..
- 8.2 To mitigate the risk, members of the Local Plan Steering Group will be kept up to date with consultation representations and the proposed response to those representations before the revised SCI goes to Cabinet and Full Council in February 2019.

9.0 Equality analysis

- 9.1 The SCI pays much attention to facilitating equal access to participation in local planning decisions. Using information gathered from surveys and public consultation, the SCI presents a wide range of methods that can be used to engage the community, including groups with protected characteristics.
- 9.2 The Equality and Fairness analysis states that the amendments made to the SCI are focused on strengthening the procedures for Neighbourhood Planning in Eastbourne. They are not expected to have any negative direct impacts on groups with protected characteristics. It is not considered that the revisions will have an impact on any groups with protected characteristics; however the revisions will be subject to public consultation following approval from Cabinet to consult.
- 9.3 To increase the awareness of groups with possible limited access or groups with protected characteristics, the Council will be more proactive in the first stages of neighbourhood planning as well as in all consultations. Following the completion of a public consultation, a Statement of Consultation will be produced and appropriate adjustments will be made to the draft document, where necessary.

Appendices

- Appendix 1 - The draft revised Statement of Community Involvement

Background papers

The background papers used in compiling this report were as follows:

- Eastbourne Statement of Community Involvement (2017) EBC SCI2017
<https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/?assetdet6489524d-f1f5-4d4c-8362-fee79affbb2a=262416>
- National Planning Policy Framework (MHCLG, 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733637/National_Planning_Policy_Framework_web_accessible_version.pdf
- Town & Country Planning (Local Planning) (England) Regulation 2012
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>
- Neighbourhood Planning Act (2017)
<http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>
- Localism Act (2011)
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- The Equality and Fairness Analysis for SCI (2018)
- <https://www.gov.uk/guidance/neighbourhood-planning--2>

To inspect or obtain copies of the background papers, please refer to the contact officer listed above.