

Report to: Full Council

Date: 20 July 2020

Title: Statement of Community Involvement

Report of: Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration & Planning

Cabinet member: Councillor Emily O'Brien, Cabinet Member for Planning and Infrastructure

Ward(s): All wards in Lewes District that lie wholly or partially outside of the South Downs National Park

Purpose of report: To formally adopt the Lewes Statement of Community Involvement following public consultation on revisions required by the Neighbourhood Planning Act 2017.

Officer recommendation(s):

- (1) That the Statement of Community Involvement as set out in Appendix 1 be adopted by Full Council for that part of Lewes District outside of the South Downs National Park;**
- (2) That the Adoption Statement and the Statement of Consultation is published;**
- (3) That any minor or technical adjustments found necessary in the Revised Statement of Community Involvement be delegated to the Director of Regeneration and Planning to me made in consultation with the Cabinet portfolio holder;**
- (4) That the previous Statement of Community Involvement (adopted by Lewes District Council on 20 July 2011) is revoked.**
- (5) That the approach to temporarily updating the Statement of Community Involvement in view of the coronavirus (COVID-19) pandemic at paragraph 2.6 is noted and agreed.**
- (6) That the Director of Regeneration and Planning is authorised to make the 2 factual amendments to the Statement of Community Involvement outlined at paragraph 3.2 and 3.3 prior to publication**

Reasons for recommendations: To ensure that the Council has an up-to-date Statement of Community Involvement in accordance with Regulation 10A of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended); the adoption of a revised SCI, which has been subject to public consultation, is a function of Full Council.

Contact Officer(s): Name: Joanne Stone
Post title: Lawyer
E-mail: joanne.stone@lewes-eastbourne.gov.uk
Telephone number: 01323 415879

1 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 in July 2011; a revision was required to take into account the changes in legislation as a result of the introduction of the Neighbourhood Planning Act 2017. Consultation on the revised SCI was authorised by Cabinet on 28 October 2019 and carried out between 11 November 2019 and 5 January 2020.
- 1.3 On 2 April 2020, the Leader of the Council considered the report of the Deputy Chief Executive and Director of Regeneration & Planning and decided

'(1) To endorse the Revised Statement of Community Involvement as set out at Appendix 1 to the report, and recommend its adoption by Full Council as the Revised Statement Of Community Involvement for that part of Lewes District outside of the South Downs National Park;

(2) To recommend to Full Council that the adopted Revised Statement of Community Involvement, the Adoption Statement and the Statement of Consultation is published by Lewes District Council;

(3) To recommend to Full Council that any minor or technical adjustments found necessary in the Revised Statement of Community Involvement be delegated to the Director of Regeneration and planning in consultation with the Cabinet portfolio holder;

(4) To endorse, and recommend to Full Council, the revocation of the previous Statement of Community Involvement (adopted by Lewes District Council on 20 July 2011).'

2 Covid-19 Update

- 2.1 Government guidance in response to the coronavirus (COVID-19) pandemic is for local authorities assess their Statements of Community Involvement to identify which policies are inconsistent with current social distancing guidance for example, holding face-to-face community consultation events, providing physical documents for inspection and holding physical planning committee meetings.
- 2.2 The local planning authority should then make any temporary amendments necessary to allow plan-making to progress and decision to continue whilst promoting effective community engagement by means by reasonably practicable means.
- 2.3 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.
- 2.4 There is no requirement in legislation for local planning authorities to consult when reviewing and updating their Statement of Community Involvement, although it is good practice for authorities to inform the public of their intentions to update this document and of the changes that have been made. It is also good practice to make clear that the changes are only temporary whilst restrictions relating to COVID-19 are in place.
- 2.5 Officers have reviewed the Statement of Community Involvement to be adopted and there are parts of it that are inconsistent with Government advice in connection with coronavirus (COVID-19) pandemic.
- 2.6 It is therefore proposed that temporary and, it is anticipated short term, changes are made to the Statement of Community Involvement upon its adoption in consultation with the Cabinet Member for Planning and Infrastructure. As these changes are likely to be short-lived, it is proposed that the Statement of Community Involvement attached at Appendix 1 is not amended but rather than any temporary changes needed are clearly identified on the website adjacent adopted document and set out on the councils' coronavirus planning update page at <https://www.lewes-eastbourne.gov.uk/community/covid-19/planning/>

The temporary changes which are currently necessary and which will be published include:-

- The provision of paper documents via post on request
- Additional consultation methods such as Virtual exhibitions and Telephone conferencing –
- The temporary suspension of planning committees at County Hall
- Virtual Meetings
- The temporary suspension of the public speaking scheme

3 Factual Amendments

- 3.1 A legal review of Statement of Community Involvement has identified 2 factual errors. Both amendments are relatively minor, but they could have legal implications if the errors are not corrected as set out in bold below.
- 3.2 The first is at 2.38 and requires the deletion of the words “in consultation with the Chair of Planning Committee”

3.38 *Decisions on whether planning permission should be granted will be taken via one of two mechanisms:*

Determination by elected Councillors on the Planning Committee

Determination by the Senior Specialist Advisor ~~in consultation with the Chair of Planning Committee~~ through delegated powers

- 3.3 The second is at paragraph 5.21 of the Statement of Community Involvement. The final sentence requires rewording to more accurately reflect the legal position in relation to submitting late representations.

*5.21 The deadline for submitting comments on a planning application will be set out in the publicity accompanying the planning application. This will be not less than 21 days. ~~The Council is under no obligation to consider comments submitted after the deadline.~~ **To ensure comments are taken into account it is important to make comments before the deadline given.***

4 Financial appraisal

There are no direct financial implications associated with the report. If there are any additional costs resulting from the temporary changes, these will be captured as part of the overall monitoring of the financial impact the Covid-19 pandemic and associated lockdown has had on the Council.

5 Legal implications

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).

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..

Legal Implications Provided by report writer JCS 03.06.20

6 Risk management implications

Legislation requires that Local Plans are prepared in conformity with an adopted SCI and an amendment to the Town and Country Planning Regulations in 2017 requires local planning authorities to review their SCI every five years. As the current SCI was adopted in 2011, the Council needs to approve an up-to-date version of the SCI prior to commencing consultation on a review of the Lewes District Local Plan Part 1 (Joint Core Strategy). Without an adopted, up-to-date SCI in place, the preparation of a new Local Plan which meets all the necessary legislative requirements will not be possible.

7 Equality analysis

It is considered that people with protected characteristics will not be disproportionately impacted by the proposed revisions to the SCI. The adaptation of the document was due to new legislation and to explain the planning system more extensively.

The revised SCI aims to advance equality of opportunity by encouraging participation from all communities. The consultation website makes it easier for the public to access information, including the option to review paper documents and request information in alternative formats.

8 Environmental sustainability implications

There are no identified environmental sustainability implications, although strengthening the procedures for community involvement will help to enable thriving communities in accordance with the third pillar of the Council's Sustainability Policy 2018.

9 Appendices

- Appendix 1 – Draft Statement of Community Involvement

10 Background papers

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

- Planning Practice Guidance updated May 2020 – <https://www.gov.uk/guidance/plan-making#covid19>
- Lewes District Statement of Community Involvement - Statement of Consultation – January 2020
- Revised Statement of Community Involvement – July 2011