REPORT TO EXECUTIVE

DATE OF MEETING: 15 January 2014

This is a key decision. Urgency: The proposal is not exempt from call-in on the grounds of urgency.

REVISED STATEMENT OF COMMUNITY INVOLVEMENT (2014)

The Council’s Statement of Community Involvement (SCI) is a statutory document which sets out how the Council will consult on both planning policy documents and individual planning applications. The SCI was first published in 2006 and has been updated in order to better reflect current legislative requirements and follows a period of public consultation in May 2013. Changes have also been made in light of the Elstree Way Corridor public meetings where the extent of consultation on individual planning applications considered.

PORTFOLIO HOLDER: COUNCILLOR DR HARVEY COHEN

1. RECOMMENDED THAT:

1.1 The Executive endorses the revised Statement of Community Involvement (SCI) and recommends the SCI to the next meeting of the full Council for adoption, subject to any minor changes to be agreed between the Portfolio Holder for Planning and Localism and the Director of Environment.

2. CONTEXT

2.1 All Local Authorities are legally required to produce a SCI through the provisions of the Planning and Compulsory Purchase Act 2004. Since the Council adopted its first SCI in 2006, much of the associated legislation has changed and working practices have evolved. The Council is no longer required to submit its SCI for public examination and is free to adopt it as it sees fit, following public consultation.

2.2 The main changes that were made to the document ahead of the public consultation in May 2013 are as follows:

- Updated terminology: Since the last SCI was adopted in 2006, policy terminology has changed significantly following the introduction of the National
Planning Policy Framework (NPPF), Localism Act and associated regulations. References to 'Development Plan Documents' and the 'Local Development Framework' have been replaced with references to the Local Plan or Local Plan Documents throughout the revised SCI.

- Out of date references regarding the way the Council consults have been either updated (e.g. via the website) or deleted. There is also a commitment to replace the expensive placing of notices in local newspapers as and when legislation allows for this; this process has already started with scaled back requirements for press notices for planning policy documents.
- A section has been introduced that outlines the neighbourhood planning processes that were introduced by the Localism Act (2011).
- A new section has been introduced that outlines the new Local Validation List, what it is, why it has been introduced and the future of the Local Validation List.
- Updated references to Hertsmere Together’s Vision and membership.
- Updated references to the list of statutory and general consultees.
- Updated references to the preparation stages of Supplementary planning Documents and Local Plan Documents to bring the SCI in line with the most up to date iteration of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- The list of background documents in appendix 5 has been updated in line with the current legislative and regulatory frameworks.

2.3 Following approval by the Portfolio Holder on 8th May 2013, a formal consultation period ran from 29th May 2013 to 12th July 2013. All of the Council’s Members and Planning Officers were notified as well as 1,116 interested parties from Hertsmere’s Local Plan database. A press release was issued from Hertsmere Borough Council which was reported on by the Watford Observer.

2.4 Out of the statutory consultees and interested people that had been consulted, only 14 formal representations were made. These representations and officers’ responses are outlined in appendix 1 of this document. A number of consultees also contacted the Council to update the Local Plan database which was positive as the database is now up to date in order to inform future consultations.

2.5 A majority of the representations (10) received either supported the Draft Revised SCI or supported the Draft Revised Statement of Community Involvement but sought further changes regarding terminology, extra information regarding the duty to cooperate and suggestions relating to how community involvement could be improved. Changes have been made to the SCI in response to these comments.

2.6 Of the four other organisations who did not explicitly ‘support’ the SCI, the only substantive or relevant (to the SCI) comments were made by Aldenham Parish Council (APC) who, in particular, sought greater involvement in the determination of planning applications. Officers and the Portfolio Holder have since met with APC (and subsequently Shenley Parish Council who had similar concerns) to address APC’s concerns and explaining how they can participate effectively in the process, including speaking at the planning committee in their own right or via the ward Councillor as a community advocate.
2.7 A limited number of other minor changes were made to the draft SCI during the period of public consultation but that were not a result of formal representations received. These provided additional clarity, in particular, about

- how the Council will respond should the government choose to withdraw the need to advertise planning applications in the local press in the future; and
- public consultation requirements for permitted development applications including the new prior approval regimes introduced for householders by the government in May 2013

2.8 Further changes are now proposed to the SCI, following the Elstree Way Corridor public meetings and request from the Leader and the Portfolio Holder to revisit how the Council consults on (major) planning applications. Whilst the Council already meets and exceeds its statutory obligations on such consultation, the fact remains that many residents do not engage in the planning application process and when they do, it is often on a re-active basis and after a decision has been made. The SCI now proposes a number of additional measures for major applications (in paragraphs 7.12 to 7.19 of the SCI) which would have a tangible impact in terms of how the Council consults:

- Consultation on applications over 50 dwellings/5,000 sq m non-residential floorspace will be determined on the basis of the number of properties within a radius of the application site. The radius will depend on the size of the scheme, its location and the height of the development and will be agreed by the Development Team Manager; (presently consultation is based primarily on addresses/streets adjoining a site, in line with the regulations)
- Where applications over 50 dwellings/5,000 sq m are the subject of a Planning Performance Agreement – where the timescales are agreed with the applicant – details of the application will, wherever practical, be included in Hertsmere News;
- An increased number of site notices for applications over 50 dwellings/5,000 sq m of non-residential floorspace;
- Details of how the public can engage more easily and effectively in planning applications via the enhanced public access facilities available through the new Uniform software
- Greater use of social media (this has already started)
- An expectation that developers will undertake more pre-application consultation themselves. Developers will be required to set out details of how they have consulted with the local community, as part of the information to be included in the planning application.

3. **REASON FOR RECOMMENDATION**

3.1 The recommendation has been made so that a report can be presented to the next meeting of the full Council, on 22nd January 2014, seeking adoption of the revised SCI. This will provide the Council with an up-to-date commitment to how it will consult on planning policy documents and individual planning applications.
4. **ALTERNATIVE OPTIONS**

4.1 To fail to endorse the revised SCI and not recommend it to the full Council. This would potentially result in planning officers having to rely on an outdated SCI that would not reflect more recent legislative requirements and is not the recommended course of action.

5. **LEGAL POWERS RELIED ON AND ANY LEGAL IMPLICATIONS**

5.1 Sections 18 and 19 of the Planning and Compulsory Purchase Act (2004) require Local Authorities to produce a Statement of Community Involvement. Other legislation that is relevant is the Planning Act (2008) and Localism Act 2011. Relevant regulations include the Town and Country (Local Development) Regulations 2012. There are not considered to be any legal implications of this decision other than those identified in the body of the report although third parties have the right to seek judicial review of the decision to adopt the revised SCI, within the prescribed time periods and within the limited grounds allowed for any judicial review.

6. **FINANCIAL AND BUDGET FRAMEWORK IMPLICATIONS**

6.1 The adoption of the revised SCI itself is being undertaken within the normal budget of the planning policy team. There may, potentially, be financial implications from the increased publicity requirements in the SCI associated with major planning applications over 50 dwellings/5,000 sq m. The application fee paid on these applications may cover some or most of the additional costs but it is suggested that the costs of increased publicity are kept under regular review and if necessary, the need for additional resources to cover these costs be considered in due course.

7. **DELEGATION**

7.1 The adoption of the revised SCI will ultimately be a decision for the full Council.

8. **PLANNED TIMETABLE FOR IMPLEMENTATION**

8.1 It is envisaged that the revised SCI would, subject to the approval of the Council, be adopted with immediate effect following the full Council meeting on 22\textsuperscript{nd} January.

9. **EFFICIENCY GAINS AND VALUE FOR MONEY**

9.1 Earlier and more effective engagement in the planning process, particularly on individual planning application, can reduce the likelihood of re-active objections, appeals and/or complaints. The revised SCI seeks earlier public engagement in the planning process and if this can be achieved on a regular basis, there could be scope to deliver a more cost-effective planning process over time. However, it should be emphasised that a consensus cannot always be guaranteed given the contentious
nature of some land use planning and there will be invariably be occasions when either applicants or third parties remain dissatisfied with the final outcome.

10. **RISK MANAGEMENT IMPLICATIONS**

10.1 None arising from this report.

11. **PERSONNEL IMPLICATIONS**

11.1 None arising from this report.

12. **CORPORATE PLAN & POLICY FRAMEWORK IMPLICATIONS**

12.1 None arising from this report.

13. **ASSET MANAGEMENT PLAN IMPLICATIONS**

13.1 None arising from this report.

14. **HEALTH AND SAFETY IMPLICATIONS**

14.1 None arising from this report.

15. **APPENDICES**

15.1 Appendix 1 – Revised Statement of Community Involvement (available on website).

15.2 Appendix 2 – Table of Representations on draft revised SCI (May 2013).

16. **AUTHOR**

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