

MUNICIPAL YEAR 2019/2020 REPORT NO.

**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**

PORTFOLIO DECISION OF:
Cllr Nesil Caliskan
(Leader of the Council)

REPORT OF:
Sarah Cary - Executive
Director - Place

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Agenda – Part:	KD Num: 5021
Subject: Revised Statement of Community Involvement (2019) in Planning	
Wards: All	

1. EXECUTIVE SUMMARY

- 1.1 This report presents the revised draft 2019 Statement of Community Involvement (SCI) that once adopted will replace the Council's 2015 adopted SCI. The SCI identifies the key points at which there will be an opportunity for communities and stakeholders to get involved in the various parts of the planning process. The SCI is not a formal development plan document and there is no statutory requirement for public consultation on it. However, given its subject matter it is recommended that the draft new SCI is made available for comment before adoption.
- 1.2 The Council adopted its last SCI in November 2015. Since then there have been a series of important changes to planning law and regulations regarding the approach to Local Plan production, and consultation process for dealing with planning applications and appeals. The new SCI has been expanded to include the engagement processes related to neighbourhood planning and the Council's approach to Duty to Co-operate, introduced by the Localism Act 2011 and the Community Infrastructure Levy (CIL).
- 1.3 In addition, the Planning Service has implemented new and improved ways of working, largely centred on more electronic consultation and communication in order to work more efficiently and effectively. The 2019 SCI has been updated to reflect these changes.

2. RECOMMENDATIONS

That the Leader of the Council;

- 2.1 Approves the draft new Statement of Community Involvement (SCI) (attached at Appendix 1) for consultation;
- 2.2 Delegates authority to the Executive Director of Place to make minor amendments prior to and after consultation; and
- 2.3 Notes further coming SCI will return to the Portfolio Holder for final approval and adoption.

3. BACKGROUND

- 3.1 The Council published its last Statement of Community Involvement (SCI) in November 2015. This provided the Council's approach to community involvement in the preparation of the Local Plan as well as consultation on major planning applications and the planning appeals process.
- 3.2 Since 2015, several changes to planning legislation, regulations and guidance has occurred which this SCI seeks to update. In addition, changes in current practices and technological advances including increased use and availability of electronic communications such as email, social media and the web/digital engagement platforms, which have changed the way in which residents and business engage in the planning process. Greater emphasis is placed on our consultation principles and how developers would need to engage with the local community before submitting a major planning application.

Revised Statement of Community Involvement (SCI) 2019

- 3.3 The revised SCI seeks to ensure the active, meaningful and continued involvement of local communities and stakeholders in planning. It sets out a consultation strategy for the Council's planning functions including:
 - How, when and who will be consulted throughout the preparation stages of the Local Plan and other planning documents with clear indication of opportunities for engagement;

- Current statutory procedures in dealing with planning applications and appeals which include provisions for consultation on planning applications again with clear indication of opportunities for engagement. It also specifies bodies to be consulted, depending on the type of planning application together with guidance on requirements for statutory notices to be served on adjacent premises regarding prior approvals for householder extensions;
- More expectations are also set out for how developers to engage with the local community before submitting a planning application;
- It references key changes in planning legislation, regulations and policy since the 2015 update including statutory changes to reflect the Housing and Planning Act 2016;
- It refers to The Neighbourhood Plan Act 2017 and describes the latest regulations, changes in national planning policy and guidance to provide the opportunity for community groups (as designated neighbourhood forums) to prepare their own neighbourhood plans. It also explains the roles of both the Neighbourhood Forum role and the Council alongside the key stages;
- It outlines how we will consult on any changes to the Enfield community infrastructure levy in terms of how it is charged and administered following the recent amendments to the CIL regulations; and
- Finally, it sets out how the Council is exploring new ways to consult through the use of digital technology platforms to reach out to residents more effectively.

4. ALTERNATIVE OPTIONS CONSIDERED

The Council is bound by statutory regulations to update the SCI in accordance with legislative changes. Not doing so would leave the Council open to challenge as to the processes it follows in preparing the Local Plan and in dealing with applications and appeals. In preparing the revised SCI, officers have taken the opportunity to add further clarity to the regulatory guidance.

5. REASONS FOR RECOMMENDATIONS

5.1 As set out in paragraph 3.3 above.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 Provision for the cost of the preparation of the revised SCI will be funded from within the Local Plan budget.
- 6.1.2 The SCI contains guidance on community involvement through the Council planning processes but does not in itself commit the Council to additional expenditure. Any consultation activity through the preparation of the Local Plan and/or other planning documents or applications/appeals with cost implications would need to be subject to separate reports and full financial appraisal.

6.2 Legal Implications

- 6.2.1 The Council is legally required to prepare a SCI pursuant to section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”). The SCI is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under plan making functions of the 2004 Act and Part 3 (control of development, including planning applications) of the Town and Country Planning Act 1990 (as amended) of persons who appear to the authority to have an interest in matters relating to development in their area.
- 6.2.2 By virtue of regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) the Council must complete a review of the SCI every five years, starting from the date of adoption of the existing SCI.
- 6.2.3 The government's Planning Practice Guidance notes the importance that SCIs are kept up-to-date to ensure effective community involvement at all stages of the planning process and that Councils should regularly review and update their SCI to reflect any changes to engagement.
- 6.2.4 The proposed draft SCI reflects the results of this review process.
- 6.2.5 The draft SCI also needs to reflect recent changes to legislation. This includes the mandatory requirement under section 18(2B) of the 2004 Act for Councils to specify their policies for giving advice or assistance on proposals for making of neighbourhood development orders and neighbourhood development plans and any proposals to modify the latter.
- 6.2.6 There is no legislative requirement for the Council to consult when reviewing and updating the SCI. If undertaking consultation, all the

consultation responses should be properly considered. As the SCI is not a development plan document there is no independent examination. The decision to approve and adopt the SCI is an executive function and so should not be taken by full Council.

6.3 Property Implications

6.3.1 N/A

7. KEY RISKS

The Statement of Community Involvement (SCI) is a document the Council is legally required to publish to explain how it will inform, consult and involve the community in: the preparation of planning policy documents, such as the Local Plan and Supplementary Planning Documents (SPDs), and during the consideration of planning applications. It provides clarity on the processes involved and will ensure that the community are involved at appropriate stages in accordance with Government regulations.

8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

Good homes in well-connected neighbourhoods | Sustain strong and healthy communities | Build our local economy to create a thriving place

The revised SCI will strengthen the relationship with communities in Enfield in seeking to achieve fairness for all, growth and sustainability and strong communities within the context of providing the appropriate level of supporting infrastructure and the development of strong and sustainable communities.

9. EQUALITIES IMPACT IMPLICATIONS

The revised SCI has been subject to an initial Equalities Impact Assessment (EqIA). The initial EqIA will ensure that consultation promotes equal opportunities. A final EqIA will be undertaken as supporting documentation to accompany the adoption draft of the SCI.

10. PERFORMANCE AND DATA IMPLICATIONS

In providing a revised SCI, the Council seeks to use its best endeavours to ensure it consults with communities effectively as to its planning functions.

11. PUBLIC HEALTH IMPLICATIONS

Public engagement in the planning process is an important aspect of understanding the health needs of the community. There is increasing

evidence that community involvement increases the acceptability and use of planned developments.

Background Papers

None.