

STATEMENT OF COMMUNITY INVOLVEMENT 2022 UPDATE

1 PURPOSE OF REPORT

- 1.1 This report summarises proposed updates to the Council’s Statement of Community Involvement (SCI), made to ensure its planning consultation procedures are as representative and transparent as possible, and that the SCI remains relevant in the face of both technological change and the impacts of the COVID-19 Pandemic. It also summarises the findings of feedback received during the consultation held on the proposed changes, held at the same time as the New Local Plan: Spatial Options consultation in 2021. It recommends that the Committee notes the findings of the Feedback Report, and resolves to formally adopt the updated SCI.

2 INTRODUCTION

- 2.1 The Council, as the Local Planning Authority, is required to prepare a Statement of Community Involvement (SCI) under Section 18 of the Planning and Compulsory Purchase Act (2004).
- 2.2 The purpose of the SCI is to set out the principles for engaging and consulting with local communities – including residents, organisations and businesses – and other interested parties on planning matters. They are statutory documents that set out how and when local authorities will involve communities (and other interested persons) in the planning process. SCIs will typically include details of how engagement will be managed in relation to the plan-making development management and planning enforcement processes.
- 2.3 The Town and Country Planning (Local Planning) Regulations 2012 require local planning authorities to review their SCIs every 5 years from the adoption date. It is important that SCIs are kept up to date to ensure effective community involvement at all stages of the planning process and, therefore, to expand on the Council’s most recent adopted SCI, dating from 2016. Since the adoption of the first version of the SCI in 2007, the Council has sought to go beyond the minimum regulatory requirements.
- 2.4 The five-year review of the Council’s SCI has identified a number of minor textual amendments that are required to ensure that the provisions within the SCI remain accurate, appropriate and achievable. Details of the changes proposed and consulted on are set out in Section 3.
- 2.5 At the previous Planning Policy Committee, held on 23rd June 2021, it was resolved that the SCI be consulted on for a period of six weeks. The consultation was held concurrently with the new Local Plan Spatial Options Consultation, with both electronic and physical copies available for the public to view. Consultees were invited to respond to the SCI consultation as part of the wider Spatial Options consultation. Both consultations ran from 28th July to

21st September 2021, with an extension agreed from the initial closing date of 6th September to allow residents more time to respond, in light of much of the consultation taking place over the school summer holiday period.

- 2.6 Following the close of the consultation, the feedback received, and consequent actions, are summarised in Section 3.

3 STATEMENT OF COMMUNITY INVOLVEMENT – 2021 UPDATE AND FEEDBACK REPORT

- 3.1 The majority of the Council's adopted (2016) SCI is considered to remain accurate, appropriate and achievable. However, the proposed update introduces a number of minor additions and amendments, which are generally either additive provisions or factual updates, reflecting any changes to national policy or the local development scheme which have taken place since the adoption of the SCI in 2016. The main amendments are as follows::

- 3.1.1 In the table under Paragraph 2.23, which sets out opportunities for engagement at each stage of the New Local Plan, the addition of wording relating to the Spatial Options stage which has been included in the plan-making process since the last SCI was adopted to allow further consultation on the proposed options for distribution development in the District under the Plan.
- 3.1.2 Changes to the wording for pre-application planning advice in Paragraph 3.3, reflecting that householder and small-scale development is currently excluded from this service, whilst it is expected for all major development proposals. Also updated to note that historic building advice is available.
- 3.1.3 Additional wording in paragraph 3.12, relating to public access e-planning system, noting that some older historic applications may not be retrieved using the map search function.
- 3.1.4 Minor changes in Paragraph 3.23 to the process for keeping complainants updated on enforcement cases.

The COVID-19 Pandemic - Implications

- 3.1.5 In addition to the minor amendments described above, the proposed changes to the SCI include provision for the impacts of the COVID-19 pandemic, which is outlined in Paragraphs 2.7-2.11. This includes some wording throughout the document reflecting that public access to Council buildings and libraries, along with their opening hours, may be limited depending on the national restrictions in place at the time.
- 3.2 In addition, a number of minor textual amendments have been made following feedback given by Essex County Council during the consultation. Detail of the proposed amendments as a result are set out below, and also in Section 4 –

‘Further Amendments and Next Steps’ – in the accompanying SCI Feedback Report.

- 3.3 A copy of the SCI proposed for adoption is included at Appendix B and should be read alongside it and the accompanying Feedback Report at Appendix A.

The Feedback Report

- 3.4 Twelve direct responses were received to the SCI consultation, with 9 of these consisting of representations from private individuals; 1 from Essex County Council (ECC), 1 from a neighbouring Local Planning Authority (Chelmsford City Council); and 1 from a community group (Hullbridge Residents’ Association). It should be noted that all these representations to the SCI consultation were accompanied by larger responses to the Spatial Options consultation.
- 3.5 Only 3 responses directly referred to the SCI consultation, with the remainder being observations and feedback about the consultation process, which were submitted as part of wider Spatial Options responses. However, these contain relevant content as they provide feedback regarding the Local Plan consultation process governed by the SCI.
- 3.6 Some respondents raised concerns about the wider consultation process, including in the context of technical language, volume of information and timing of events. These comments relate to the practical application of commitments within the SCI and will be considered when preparing consultation strategies in the future. They are not considered to require specific textual changes to the adopted SCI.
- 3.7 The proposed amendments to the SCI were, in general, minor factual changes which attracted no specific comments from a majority of respondents. Requests for further minor amendments were however received from Essex County Council and further changes to reflect these requests are proposed. Table 1, below, summarises in brief the key themes raised by ECC and others. The full Feedback Report (including all proposed amendments) can be found accompanying this summary report and provides full details and proposed amendments/additions.

Table 1 – Main Themes Raised in Consultation

Area	Detail
Development Plan	ECC flagged Paragraph 2.2, which refers to the main Development Plan documents for the District, to be prepared as set out in the Local Development Scheme, and paragraph 2.39, which refers to the Minerals and Waste Local Plans as the responsibility of the County Council. ECC recommended paragraph 2.2 is amended to

	include more guidance to clarify what comprises the “Development Plan” for the area, and to clearly recognise and state that the Essex Minerals Local Plan 2014 (MLP) and the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP) also form part of the Development Plan for the area.
Implications of Coronavirus	<p>ECC requested the addition of references to the ECC Statement of Community Involvement (revised July 2020). In revising this, legal advice recommended that a more general paragraph be included within the SCI stating that ECC will follow government guidance regarding engagement and consultation should any pandemic/epidemic occur, but with no specific references to dates or guidance. This allows the SCI to cover both the current pandemic situation and any future situations that may arise impacting upon ECC public engagement processes, with further specific guidance available on ECC’s website.</p> <p>ECC noted Rochford’s SCI makes reference to the government pandemic guidance and its effects on community engagement and the viewing of consultation documents in paragraph 2.6. ECC suggested consideration should be given to the longevity of the SCI, and that wording similarly provides for similar future situations in the same way as the 2020 ECC SCI revision.</p>
Neighbourhood Planning	ECC recommended that Paragraph 2.3 is expanded to include reference to the ECC Neighbourhood Planning Guide (2019) to assist future communities in preparing a Neighbourhood Plan.
Duty to Cooperate	<p>Referring to the National Planning Policy Framework (NPPF), ECC recommended paragraph 2.19 - 2.20 make specific reference to RDC having a duty to co-operate with ECC, as the upper tier authority, on strategic matters, particularly those that cross administrative boundaries and that strategic policy making authorities should collaborate to identify the relevant strategic matters which they need to address in their Plans.</p> <p>ECC also recommended this section is expanded to address requirements on joint working between strategic policy making authorities to help determine where additional infrastructure is necessary and the need to prepare and maintain one or more statements of common ground.</p>

<p>New Local Plan – Who, How, When</p>	<p>ECC suggested additional detail is provided in the table within paragraph 2.22, which sets out the opportunities for engagement at each stage of plan preparation. Concerning engagement opportunities, only the Evidence base stage states “<i>Targeted involvement of organisations and service providers</i>”. For completeness, ECC recommended the sentence is expanded to read “<i>infrastructure and service providers</i>”; and that this sentence is repeated within the subsequent Plan stages within the table (including Independent Examination) to recognise the ongoing engagement with key stakeholders under the duty to co-operate and to agree any proposed modifications.</p> <p>In respect of the “Independent Examination” stage and the reference to “hearing sessions” for completeness, ECC recommended that this should make reference to ‘discussion at each hearing session’ to inform the Inspector’s judgement.</p>
<p>Community Infrastructure Levy Charging Schedule – Who, How, When</p>	<p>Regarding Paragraph 2.24, which sets out the table for engagement at each stage in preparing a Charging Schedule, ECC welcomed the reference at the “Evidence Base preparation” stage to “<i>Informal engagement with Essex County Council</i>” (and others), however recommend that this (and the targeted engagement) are repeated at the subsequent stages, for transparency, to recognise the ongoing engagement in the preparation of the Draft Charging Schedule.</p>
<p>Pre-Application Consultation</p>	<p>ECC supported paragraph 3.2 and the undertaking of pre-application discussion and welcome the reference in paragraph 3.9 for developers to consult other parties including ECC. Recommended the paragraph is amended to refer to ECC undertaking (chargeable) pre-application advice for minerals and waste; highway matters; community infrastructure (including education); sustainable drainage and sustainable travel. Referred to the ECC <i>Developers’ Guide to Infrastructure Contributions (2020)</i>.</p>
<p>Planning Performance Agreement (PPA)</p>	<p>ECC supported the use of PPAs as referenced in paragraph 3.10 to provide a project management framework for handling major planning applications. ECC highlighted their role in providing pre-application advice which would, in many circumstances, be accompanied by an approved PPA. ECC recommended that paragraph 3.10 is expanded to recognise their</p>

	<p>approach to PPAs, including links to their webpage on this to assist developers.</p>
Planning Application Process	<p>Regarding Paragraph 3.18 (on the communication and progress of planning applications), ECC noted there is no reference to the role of S106 legal agreements in making a development proposal acceptable in planning terms, that would not otherwise be acceptable. They recommended reference should be made to both S106 legal agreements and to securing highway measures through Section 278 measures (s278). Stated it is generally accepted and preferred that highway mitigation is delivered by s278 agreements with ECC (as local highway authority), enabling it to be funded and delivered directly by the developer.</p>
General (Not Attached to a Specific Section)	<p>Chelmsford City Council (CCC) considered the SCI Review to be generally clear and comprehensive, and supported the consultation methods proposed for involving the community and stakeholders in the planning process. CCC noted recognition of the statutory requirement to consult neighbouring councils and other relevant organisations under the Duty to Cooperate.</p> <p>Hullbridge Residents' Association (HRA) viewed the SCI Review as an opportunity for the Council to demonstrate genuine consultation, rather than a 'tick box exercise', which they viewed previous iterations of the SCI as being. HRA were disappointed with the level of engagement they had experienced to date, having expected to be consulted on documents such as Sustainability Appraisal Scoping Report.</p> <p>HRA did not consider that their views had been sufficiently considered in the Local Plan process to date, and that this would need to be demonstrated through amendments. They wanted to see greater transparency and evidence that views were being taken on board by the Council.</p> <p>HRA noted only one drop-in engagement session for the Spatial Options consultation was held in Hullbridge, with low attendance.</p> <p>HRA expressed desire for development of a Neighbourhood Plan for Hullbridge, something which could be progressed in conjunction with Hullbridge Parish Council.</p>
General comments on communication	<p>A number of comments considered both communications and the display of information to</p>

<p>to residents and display of information</p>	<p>be too focused on 'online' and digital methods, with those who did not have access to a computer, or skills to send emails, marginalised or treated as an 'afterthought'. Question raised as to whether the consultation was fair, and whether residents had been reached in every possible way.</p> <p>It was also suggested that the information was presented online in a way which was difficult to navigate, even for those who were computer-literate.</p>
<p>General comments on technical language</p>	<p>Several responses observed that planning documents often use complex, confusing or technical language, much of which would not be easily comprehensible to the average resident. This was suggested to be something that discouraged feedback.</p>
<p>General comments on size of consultation/volume of information</p>	<p>Some respondents considered the breadth of supporting documents and evidence to be excessive. Comments felt this would discourage many people from both fully engaging with the document and expressing their views in a succinct manner.</p>
<p>General comments on engagement events</p>	<p>One remark that a local engagement event had not been well-attended.</p>

Further Amendments and Next Steps

- 3.8 The proposed amendments to the SCI were, in general, minor factual changes which attracted no specific comments from a majority of respondents. Requests for further minor amendments were however received from Essex County Council and further amendments to reflect these requests are proposed as summarised in Table 2 below, indicated in red text.
- 3.9 It is recognised that some respondents raised concerns about the wider consultation process, including in the context of technical language, volume of information and timing of events. Much of this was associated with the consultation arrangements for the Spatial Options consultation. These comments relate to the practical application of commitments within the SCI and will be considered when preparing consultation strategies in the future. They are not considered to require specific textual changes to the adopted SCI.

- 3.10 The SCI published for consultation subject to the further amendments below will be taken forward to Full Council for adoption, at which point it will replace the existing adopted SCI. It should be noted that the Council previously adopted an addendum to its SCI, in 2019, which provided more information on how communities would be involved in the preparation of the South Essex Plan. This addendum is not proposed for amendment or deletion and will therefore remain part of the Council’s adopted SCI.

Paragraph	Text Proposed in Consultation Version	Text Proposed in Adoption Version
2.2	The Council has significant experience in the preparation of local development documents. As set out in the Local Development Scheme, the Council will prepare a new Local Plan and a Community Infrastructure Levy (CIL) Charging Schedule. Prior to consultation, draft policy documents will be taken to Full Council to be approved for consultation.	The Council has significant experience in the preparation of local development documents. As set out in the Local Development Scheme, the Council will prepare a new Local Plan and a Community Infrastructure Levy (CIL) Charging Schedule. Prior to consultation, draft policy documents will be taken to Full Council to be approved for consultation. The development plan for Rochford District also comprises the Minerals Local Plan and Waste Local Plan. These are prepared by Essex County Council and information on how communities will be involved in the preparation and reviews of those plans can be found in Essex County Council’s adopted Statement of Community Involvement.
2.19 – 2.20	The Council is required by the <u>Localism Act 2011</u> to effectively and constructively engage with relevant partners on strategic cross boundary matters on an ongoing basis – the Duty to Co-operate. This includes neighbouring local	The Council is required by the <u>Localism Act 2011</u> to effectively and constructively engage with relevant partners on strategic cross boundary matters on an ongoing basis – the Duty to Co-operate. This includes Essex County Council, as upper tier authority for the District,

	<p>authorities and other statutory bodies. Consideration should be given to joint working and the preparation of shared evidence base work.</p> <p>The Council is committed to continuing to work in conjunction with relevant partners throughout the plan making process on strategic cross-boundary issues.</p>	<p>neighbouring local authorities and other statutory bodies. Consideration should be given to joint working and the preparation of shared evidence base work.</p> <p>The Council is committed to continuing to work in conjunction with relevant partners throughout the plan making process on strategic cross-boundary issues. This includes collaboration to identify the relevant strategic matters which they need to address in their Plans and where additional infrastructure is required pursuant to the requirements of the National Planning Policy Framework.</p>
2.22 (selected)	<p>Engagement Opportunities</p> <p>Targeted involvement of organisations and service providers.</p>	<p>Engagement Opportunities</p> <p>Targeted involvement of organisations including infrastructure and service providers.</p>
2.24 (selected)	<p>Single reference to following paragraph:</p> <p>“Informal engagement with Essex County Council and other service providers in the preparation of the Infrastructure Funding Gap Assessment.”</p>	<p>Paragraph to be repeated in every section under Paragraph 2.24</p> <p>“Informal engagement with Essex County Council and other service providers in the preparation of the Infrastructure Funding Gap Assessment.”</p>
2.34 (selected)	<p>The principle of neighbourhood planning is that it should primarily be led and shaped by the local community. For this reason,</p>	<p>The principle of neighbourhood planning is that it should primarily be led and shaped by the local community. For this reason, the Council does not</p>

	<p>the Council does not directly oversee or manage the neighbourhood planning process. Instead, the Council will support neighbourhood planning in the following ways:</p> <p>Directing relevant bodies towards information and resources relevant to neighbourhood planning, and any organisations or funding sources which may be able to offer direct or indirect assistance</p>	<p>directly oversee or manage the neighbourhood planning process. Instead, the Council will support neighbourhood planning in the following ways:</p> <p>Directing relevant bodies towards information and resources relevant to neighbourhood planning, and any organisations or funding sources which may be able to offer direct or indirect assistance. This includes the Essex County Council Neighbourhood Planning Guide (2019) or any successor document which signposts relevant County Council services and information sources for groups preparing Neighbourhood Plans</p>
3.9	<p>Applicants should also consider consulting organisations such as Essex County Council (as the highways and education authority, and urban design advisor to the Council), Heritage England, the Environment Agency and Natural England for advice depending on the development being proposed.</p>	<p>Applicants should also consider consulting organisations such as Essex County Council (as the authority responsible for minerals and waste; highway matters; community infrastructure (including education); sustainable drainage and sustainable travel and as historic buildings and urban design advisor to the Council), Historic England, the Environment Agency and Natural England for advice depending on the development being proposed.</p>
3.10	<p>The Council will, for some types of applications, enter into a Planning Performance Agreement (PPA) with an applicant. A PPA is an agreement between the Council and an applicant setting out the process and</p>	<p>The Council will, for some types of applications, enter into a Planning Performance Agreement (PPA) with an applicant. A PPA is an agreement between the Council and an applicant setting out the process and</p>

	<p>timescales for considering some larger and more complex proposals from the pre-application stage through to the submission and determination of a full application. A PPA can include information on community involvement such as techniques for engaging with affected communities and how their views will be incorporated. Once a PPA has been entered into, the statutory time limit for the determination of the planning application no longer applies.</p>	<p>timescales for considering some larger and more complex proposals from the pre-application stage through to the submission and determination of a full application. A PPA can include information on community involvement such as techniques for engaging with affected communities and how their views will be incorporated. Once a PPA has been entered into, the statutory time limit for the determination of the planning application no longer applies. Essex County Council also supports the use of PPAs and has produced a model PPA.</p>
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4 ENVIRONMENTAL IMPLICATIONS

4.1 This decision is not considered to have any direct environmental implications.

5 RESOURCE IMPLICATIONS

5.1 The commitments within the updated Statement of Community Involvement will be achieved using existing resources and budgets.

6 LEGAL IMPLICATIONS

6.1 The Council, as the Local Planning Authority, is required to prepare a Statement of Community Involvement (SCI) under Section 18 of the Planning and Compulsory Purchase Act (2004).

6.2 The Town and Country Planning (Local Planning) Regulations 2012 require local planning authorities to review their SCIs every 5 years from the adoption date. It is important that SCIs are kept up to date to ensure effective community involvement at all stages of the planning process and, therefore, to expand on the Council’s most recent adopted SCI, dating from 2016.

6.3 The five-year review of the Council’s SCI has identified a number of minor textual amendments that are required to ensure that the provisions within the SCI remain accurate, appropriate and achievable.

7 EQUALITY AND DIVERSITY IMPLICATIONS

7.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

8 RECOMMENDATION

8.1 It is proposed that the Committee **RESOLVES** to

- (1) NOTE the contents of the Statement of Community Involvement Feedback Report at Appendix A.
- (2) RECOMMENDS to Council that the revised Statement of Community Involvement at Appendix B be adopted



Phil Drane
Director of Place

Background Papers:-

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