

## 1 Introduction and Background

- 1.1 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). The purpose of an 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 (e.g., when the Council writes new planning policy documents, or consults on planning applications for new development).
- 1.2 The Town and Country Planning (Local Planning) Regulations 2012<sup>1</sup> 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 (Planning Practice Guidance, 2021<sup>2</sup>).
- 1.3 The Council’s SCI was adopted in 2016 which meant a review was necessary in 2021. This review identified a small number of changes which were required to ensure the document is an effective consultation strategy for the Council’s planning processes. These include the following:
- Changes to rules on how personal data is collected, processed and disposed of, which were updated on 25 May 2018 when the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 came into force.
  - Advancements in digital technology to publicise and enable the consultation process, e.g., the use of digital consultation platforms and webinars to display information and capture feedback, along with the use of a range of social media platforms to spread awareness.
  - Reflection of the impact of the COVID-19 pandemic on the way in which public engagement events can be carried out, the ability to use public locations (such as libraries and Council offices) as places to view documents and means by which technology can help overcome the challenges presented.
- 1.4 Consultation and engagement on planning matters set out in the SCI seek to go beyond the minimum regulatory requirements for community involvement in the plan making process in particular and are in line with the Council’s corporate Consultation Guide for Staff. For the full details contained in the 2021 update of the SCI, please [click here](#).
- 1.5 Between 28th July 2021 and 21st September 2021, Rochford District Council consulted on its new Local Plan **Spatial Options Document 2021** (‘the Document’) in accordance with the requirements of Regulation 18. Alongside the Document, the Council also consulted on the latest (2019) amendments to the Statement of Community Involvement (SCI), as detailed above.

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<sup>1</sup> <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

<sup>2</sup> <https://www.gov.uk/guidance/plan-making>

- 1.6 Whilst it is not a statutory requirement to consult on a Statement of Community Involvement, or amendments to an existing SCI, the Council opted to consult on proposed changes for consistency with past practice.
- 1.7 This report sets out the findings regarding responses to the SCI consultation, drawing out the main trends and identifying whether any revisions are needed to the proposed amendments to the adopted SCI.

## **2 Consultation Process**

- 2.1 The amended SCI was published for consultation alongside the Spatial Options Document, between 28th July 2021 and 22nd September 2021. In line with the adopted SCI and previous consultation (Issues and Options), a wide variety of methods were used to promote the consultation and engage with interested parties. Delays as a consequence of the COVID-19 pandemic meant that the consultation was to largely coincide with the summary school holiday, and as a result a decision was taken to extend the consultation period from the statutory minimum of 6 weeks to a full 8 weeks.
- 2.2 In addition, hard copies of the SCI, alongside the Spatial Options and IIA Documents, were available for public viewing at all public libraries within the District, along with Council reception desks in Rochford and Rayleigh.
- 2.3 For the full details of the consultation process and public engagement methods, please refer to Section 3 of the accompanying **Spatial Options Consultation Feedback Report**.
- 2.4 The full set of documents, including the SCI, Spatial Options Document, Integrated Impact Assessment (IIA) and 'quick links' to relevant evidence documents, were published online at <https://rochford.oc2.uk/>.
- 2.5 Consultees were invited to respond to the SCI consultation as part of the wider Spatial Options consultation. As with the Spatial Options, responses relating to the SCI were accepted via a range of means, including the JDI consultation portal (where a section relating to the SCI offered a free text box for comment); email; and hard copy (letter). In many instances, views on the SCI or consultation process were embedded within wider representations relating to Spatial Options, requiring Council officers to manually extract the aspects relevant to the SCI consultation and record these.

**3 Key Summary**

- 3.1 Twelve direct responses were received to the SCI consultation, with 9 of these consisting of representations from private individuals; 1 from Essex County Council, 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 part of larger responses to the Spatial Options consultation.
- 3.2 Of these responses, 10 were received in email format – either as a direct email representation or in the form of an attached report/letter. The remaining 2 were posted to the Council as physical letters. No responses utilised the consultation portal.
- 3.3 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.
- 3.4 Table 1, below, summarises the key themes raised by respondents.

**Table 1 – Main Themes Raised in Consultation**

Area	Detail
<b>Development Plan</b>	Paragraph 2.2 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, refers to the Minerals and Waste Local Plans as the responsibility of the County Council. ECC recommend that 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.
<b>Implications of Coronavirus</b>	ECC is the local planning authority for minerals and waste planning, for both policy development and planning applications. Planning legislation (the Planning and Compulsory Purchase Act 2004) requires planning authorities to produce a Statement of Community Involvement (SCI) to support plans. The ECC <a href="#">Statement of Community Involvement (Revised July 2020)</a> sets out how individuals and groups can have their say on planning applications and the development of policy documents for those matters which are the statutory responsibility of ECC. ECC recommend reference is

	<p>made to this, as the Minerals Local Plan (MLP) and Essex and Southend Waste Local Plan (WLP) form part of the Development Plan, but have their own SCI. In revising the <a href="#">ECC Statement Community Involvement (Revised July 2020)</a> 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.</p> <p>Consequently, the SCI covers both the current pandemic situation and any future situations that may arise impacting upon ECC public engagement processes. Further details on any current detailed government guidance is included on the ECC planning webpages and within consultation letters/publicity rather than within the SCI document itself.</p> <p>The SCI makes reference to the government pandemic guidance and its effects on community engagement and the viewing of consultation documents under 'Implications of Coronavirus pandemic (since March 2020) in paragraph 2.6. ECC acknowledges that it is helpful to include information on this temporary situation, which is scheduled to cease in December 2021, but consideration should be given to the longevity of the SCI and the lengthy and time-consuming process to make amendments to this statutory document.</p>
<p><b>Neighbourhood Planning</b></p>	<p>Paragraph 2.3 identifies how RDC will support neighbourhood planning including providing advice and guidance to relevant bodies and directing them towards information available. As a key provider of services and infrastructure ECC has produced a wide range of guidance documents that can help when preparing a Neighbourhood Plan. To assist in the preparation of Neighbourhood Plans ECC has prepared ECC's <a href="#">Neighbourhood Planning Guide (2019)</a> which covers ECC's service areas and contains details of which of our services may need to be considered when carrying out neighbourhood planning; links to ECC policy guidance and advice on how to engage with ECC. ECC recommend that Paragraph 2.3 is expanded to include reference to this Guide to assist future communities in preparing a Neighbourhood Plan. Suggested text for example:  <i>ECC's 'Neighbourhood Planning Guide: Information, Help and Support' signposts relevant County Council services and information sources for groups preparing Neighbourhood Plans (available <a href="#">here</a>).</i></p>

<p><b>Duty to Cooperate</b></p>	<p>ECC recommend 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 (NPPF paragraphs 24 &amp; 25). ECC also recommend that this section is expanded to address the requirements on joint working as set out in NPPF (paragraphs 26 &amp; 27) for 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><b>New Local Plan – Who, How, When</b></p>	<p>The table within paragraph 2.22 sets out the opportunities for engagement at each stage of plan preparation. In respect of the engagement opportunities, only the Evidence base stage states “<i>Targeted involvement of organisations and service providers</i>”. For completeness, ECC recommend that this sentence is expanded to read “<i>infrastructure and service providers</i>”; and for transparency, 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 as necessary to agree any proposed modifications.</p> <p>In respect of the “Independent Examination” stage and the reference to “hearing sessions” for completeness, ECC recommend that this should make reference to ‘discussion at each hearing session’ to inform the Inspector’s judgement.</p>
<p><b>Community Infrastructure Levy Charging Schedule – Who, How, When</b></p>	<p>Paragraph 2.24 sets out the table for engagement at each stage in preparing a Charging Schedule. ECC welcomes the reference at the “Evidence Base preparation” stage to “<i>Informal engagement with Essex County Council</i>” (and others), however ECC 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><b>Pre-Application Consultation</b></p>	<p>ECC supports 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. It is recommended that paragraph 3.9 is amended to make reference to ECC undertaking pre-application advice for minerals and waste; highway matters; community infrastructure (including education); sustainable drainage and sustainable travel with a web</p>

	<p>link to access ECC’s range of guidance for Developers, which is available <a href="#">here</a>. It would be of assistance to recognise that ECC applies our own pre-application charging.</p> <p>Further details on ECC Pre-application engagement are available within the <a href="#">ECC Developers' Guide for Infrastructure Contributions (2020)</a> (page 8) which identifies that ECC seeks to provide local authority partners as well as developers with a co-ordinated corporate single response to development proposals before plans are submitted through the pre-application process; which allows front loading of the planning process to occur, giving applicants clear direction and understanding of their proposals, solving problems and seeking solutions. Or alternatively once plans have been submitted. This will ensure that much needed and necessary infrastructure, services and facilities are delivered by development to create sustainable development and communities.</p>
<p><b>Planning Performance Agreement</b></p>	<p>ECC support the use of PPAs as referenced in paragraph 3.10 to provide a project management framework for handling a major planning application. As set out above, ECC provides pre-application advice and as with many local authorities, the aforementioned pre-application engagement would, in most circumstances, be accompanied by an approved PPA. ECC has produced a <a href="#">model PPA</a>, to outline the offer and to assist partners in this process. Further details are available <a href="#">here</a>.</p> <p>ECC recommend that paragraph 3.10 is expanded to recognise ECC’s approach to PPA’s including a the above weblinks to assist developers.</p>
<p><b>Planning Application Process</b></p>	<p>It is noted that Paragraph 3.18 sets out the communication and progress of planning applications, however 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. ECC recommend that reference should be made to both S106 legal agreements and to securing highway measures through Section 278 measures (s278).</p> <p>It is generally accepted and preferred that highway mitigation is delivered by s278 agreements and enables highway mitigation to be funded and delivered directly by the developer. The developer will be required to enter into a s278 Agreement with ECC, as the local highway authority (HA), to make permanent alterations or improvements to highway, as part of any planning approval (e.g. new/changed access to a development). All work within or affecting highway will be subject to</p>

	<p>technical approval by the HA prior to commencement on site. Prior to any work affecting highway commencing ECC will require an appropriate surety (either a cash deposit or a bond) that can be called upon to pay for the completion of works in the event that the developer does not complete the highway works to the satisfaction of the HA. In addition, all pre-commencement requirements in the s278 are required to have been met and approved. The ECC Developers' Guide to Infrastructure Contributions (2020), Section 5.5.3, states that agreements under s278 of the Highways Act 1980 are an essential tool used by the HA to secure highway related infrastructure improvements necessary to make development acceptable.</p>
<p><b>General (Not Attached to a Specific Section)</b></p>	<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 taken into account sufficiently 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 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>
<p><b>General comments on communication to residents and display of information</b></p>	<p>A number of comments considered both communications and the display of information to be too focused on 'online' and digital methods, with those who did not have access to a computer, or skills to send</p>

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	<p>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>
<b>General comments on technical language</b>	<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>
<b>General comments on size of consultation/volume of information</b>	<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>
<b>General comments on engagement events</b>	<p>One remark that a local engagement event had not been well-attended.</p>

**4 Further Amendments and Next Steps**

- 4.1 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.
- 4.2 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. 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.
- 4.3 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.

**Table 2 – Further Amendments Proposed**

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.	<p>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.</p> <p>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</p>

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		Statement of Community Involvement.
2.19 – 2.20	<p>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 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>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 <b>Essex County Council, as upper tier authority for the District</b>, 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. <b>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.</b></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 <b>including infrastructure and</b> service providers.</p>
2.24 (selected)	<p>Single reference to following paragraph:</p>	<p>Paragraph to be repeated in every section under Paragraph 2.24</p>

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	“Informal engagement with Essex County Council and other service providers in the preparation of the Infrastructure Funding Gap Assessment.”	“Informal engagement with Essex County Council and other service providers in the preparation of the Infrastructure Funding Gap Assessment.”
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, 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>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 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. <b>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</b></p>
3.9	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.	Applicants should also consider consulting organisations such as Essex County Council (as the <b>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</b> ), Historic England, the Environment Agency and Natural England for advice

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		depending on the development being proposed.
3.10	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 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.	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 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. <b>Essex County Council also supports the use of PPAs and has produced a model PPA.</b>