

STATEMENT OF COMMUNITY INVOLVEMENT 2016: ADDENDUM

1 PURPOSE OF REPORT

- 1.1 The Council's adopted Statement of Community Involvement (SCI) 2016 needs to be amended to take into account recent legislative changes relating to data protection and neighbourhood planning, as well as to support the preparation of the South Essex Joint Strategic Plan (JSP). Addendums to the adopted SCI are therefore proposed as a reasonable approach to accommodate this.

2 INTRODUCTION

- 2.1 The preparation of an SCI is a legal requirement, as set out under Section 18 of the Planning and Compulsory Purchase Act (2004), as amended. The SCI's role is to outline how local communities, including residents, organisations and businesses, and other interested parties, will be involved in plan-making and the consideration of planning applications.
- 2.2 The Council's current SCI was adopted in July 2016 and, with the exception of recent legislative changes, remains up-to-date and does not need significant revision. The adopted SCI retains its flexibility to utilise appropriate techniques which are proportionate to each consultation stage and available capacity and resources. Each consultation stage is normally accompanied by a more detailed plan which sets out how local communities can expect to be informed and engaged with during the relevant consultation period. There is also, however, a need to ensure that the SCI effectively addresses future consultation and engagement on joint plan-making at the South Essex level, through the preparation of the JSP.
- 2.3 The proposed amendments to the adopted SCI will be subject to a period of public consultation in line with best practice. Once adopted, all future consultations on Neighbourhood Plans and the JSP may then be undertaken in accordance with the amended SCI.

3 PROPOSED AMENDMENTS TO ADOPTED SCI

- 3.1 An SCI is pivotal in supporting the plan-making process to ensure appropriate consultation and engagement at each published stage. Three separate amendments are proposed to the adopted SCI to ensure that it effectively supports plan-making at all scales.

Amendment A - General Data Protection Regulation (GDPR)

- 3.2 The purpose of the SCI is to set out how local communities and other interested parties can expect to be involved in the planning process. This

inevitably includes the collection and processing of personal data such as postal and email addresses.

- 3.3 The GDPR came into force on 25 May 2018 updating the data protection requirements for organisations. This proposed amendment to the adopted SCI 2016 highlights the measures that the Council has in place to address the GDPR requirements with regard to the treatment of personal data.
- 3.4 It is therefore proposed that the data protection addendum at Appendix A:
- Be consulted on for a period of 4 weeks (alongside Appendices B and C); and
 - Once adopted, be inserted at the end of the introduction in the adopted SCI 2016.

Amendment B - South Essex Joint Strategic Plan

- 3.5 The Council is required to actively engage with its neighbours and other prescribed bodies on strategic cross-boundary issues under the Duty to Co-operate, which was introduced by the Localism Act 2011. Building on the Council's history of effective collaborative working with its neighbours across South Essex on policy and evidence preparation, the Council has committed to working positively and proactively to prepare a JSP to cover the whole of South Essex. Outside Rochford District this includes the boroughs of Basildon, Brentwood, Castle Point, Southend and Thurrock, as well as Essex County Council.
- 3.6 The timetable for the preparation of the JSP is contained within the Local Development Scheme (LDS), adopted by the Council on 17 July 2018. The JSP is at the early stages of plan-making, and the first step in supporting its preparation is to set out clearly how the six South Essex authorities will engage with communities and other stakeholders throughout the process. Appendix B sets out the proposed addendum to the adopted SCI on general consultation principles the authorities will apply to any consultation, who, how and when they can expect to be consulted.
- 3.7 It is therefore proposed that the JSP addendum at Appendix B:
- Be consulted on for a period of 4 weeks (alongside Appendices A and C); and
 - Once adopted, be inserted above the 'New Local Plan' section of the adopted SCI 2016.
- 3.8 Following a period of public consultation, all responses from across South Essex on this addendum will be collated and will need to be taken into account.

Amendment C - Neighbourhood Planning

- 3.9 Neighbourhood planning was introduced by the Localism Act 2011 to empower communities to positively prepare for their local areas. To date, the Canewdon and Wallasea Neighbourhood Plan Area is the only area that has been designated in the district. The adopted SCI includes references to Neighbourhood Planning; however, it does not provide any detail to guide communities through the process.
- 3.10 The Neighbourhood Planning Act 2017 was enacted on 27 April 2017 and makes amendments to the Town and Country Planning Act 1990, amongst other Acts. In relation to the SCI, the Act requires the Council to include detail on how we will advise and/or assist relevant bodies through the plan-making process, particularly in relation to a proposal or modification proposal.
- 3.11 Appendix A sets out the proposed addendum wording: outlining what Neighbourhood Planning is and the key stages, how the Council will advise/assist relevant bodies throughout the process, and how the Council will consult the public at each of the key stages. The minimum consultation requirements are set out in the Neighbourhood Planning (General) Regulations 2012.
- 3.12 It is therefore proposed that the Neighbourhood Planning addendum at Appendix C:
- Be consulted on for a period of 4 weeks (alongside Appendices A and B); and
 - Once adopted, replace paragraph 2.20 of the adopted SCI 2016.

4 RISK IMPLICATIONS

- 4.1 The proposed addendums to the adopted SCI at Appendices A, B and C will ensure that this statutory document remains up-to-date in line with the relevant legislation.

5 RESOURCE IMPLICATIONS

- 5.1 The public consultation on proposed amendments to the adopted SCI can be met from existing budget provision.

6 LEGAL IMPLICATIONS

- 6.1 The Council has a statutory requirement set out in Section 18 of the Planning and Compulsory Purchase Act 2004, as amended, to prepare an SCI. This includes for strategic plans, such as the JSP being prepared for South Essex.
- 6.2 The GDPR has implications for all EU Member States. The GDPR and the Data Protection Act 2018 replaced the Data Protection Act 1998 from 25 May

2018. These changes to data protection should be highlighted within the SCI to outline the measures that the Council has in place to address the GDPR requirements.

- 6.3 The Neighbourhood Planning Act 2017 also necessitates an amendment to the adopted SCI to provide an appropriate level of detail on Neighbourhood Planning requirements and expectations.

7 PARISH IMPLICATIONS

- 7.1 None.

8 EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 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.

9 RECOMMENDATION

- 9.1 It is proposed that the Sub-Committee **RECOMMENDS TO COUNCIL**

That the draft addendums to the adopted Statement of Community Involvement, at appendices A, B and C, be consulted on for 4 weeks.



Matthew Thomas

Assistant Director, Planning and Regeneration Services

Background Papers:-

None.

For further information please contact Natalie Hayward (Strategic Planning and Economic Regeneration Team Leader) on:-

Phone: 01702 318101

Email: natalie.hayward@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.

Appendix A: Draft Data Protection Addendum

Note: It is proposed that the below addendum is inserted at the end of the introduction in the adopted SCI 2016

- 1.3. The rules on how personal data is collected, processed and disposed of were updated on 25 May 2018 when the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 came into force. Rochford District Council has a Data Protection Policy¹ in place, and there are measures being applied to protect personal data in line with the GDPR. The Council stores and processes personal data for planning policy consultations in line with the relevant Privacy Notice².

¹ https://www.rochford.gov.uk/sites/default/files/privacy_dataprotection.pdf

² <https://rochford.jdi-consult.net/localplan>

Appendix B: Draft Joint Strategic Plan Addendum

Note: It is proposed that the below addendum is inserted above the 'New Local Plan' section in the adopted SCI 2016

South Essex Joint Strategic Plan – Who, How and When

- 1.1 The Council is committed to working with its neighbours across South Essex to prepare a Joint Strategic Plan (JSP). The JSP will cover the administrative areas of Basildon, Brentwood, Castle Point, Southend and Thurrock Borough Councils, as well as Rochford District. Its broad purpose is to effectively and proactively address strategic, cross-boundary issues, which is a statutory requirement for each Council under the Duty to Co-operate.
- 1.2 Appendix A to this SCI sets out a common and consistent approach for consultation and involvement on preparing a South Essex Joint Strategic Plan (JSP), and will be incorporated into each of the six South Essex authorities SCIs.

Note: It is proposed that the below addendum is appended to the adopted SCI 2016, as Appendix A

Part II Statement of Community Involvement (SCI)

South Essex Joint Strategic Plan (JSP)

Draft for Consultation

Introduction

- 1.3 This Part II Statement of Community Involvement (SCI) sets out a consistent approach for consultation and involvement on preparing a South Essex Joint Strategic Plan (JSP). This Part II SCI provides an addendum to each of the existing SCI's for the six South Essex authorities working in partnership on the JSP: Basildon Borough, Brentwood Borough, Castle Point Borough, Rochford District, Southend Borough, Thurrock Borough Council.

Important Note

- 1.4 This Part II SCI sets out the consultation approach for the JSP only and not on other planning documents or on planning applications. All six authorities existing Statements of Community Involvement will continue to set out the approach to consultation and involvement for other planning policy documents and planning applications, and these are not affected by this document. Please refer to the individual authority's website for details.



Background

- 1.5 The JSP will be a formal statutory Development Plan Document, providing the strategic planning framework for the six Local Planning Authority areas. Essex County Council will assist with preparing the JSP. The JSP will contain strategic allocations and policies, including an overall spatial strategy and amount of housing, employment and supporting infrastructure to be provided. It will cover the period up to 2038.
- 1.6 Consultation is required at various stages during JSP preparation, including “Publication” stage, after which it will be submitted to Government. An independent Planning Inspector then carries out an Examination into the document, considering the views of interested people. The final decision on the soundness of the Plan will be made by that Inspector, after which the plan will be adopted by the six councils. You can find government guidance on preparing local plans here: www.gov.uk/guidance/local-plans

Consultation General Principles

- 1.7 We will apply some general principles to our JSP consultation.
- Involvement will be open to all regardless of gender, faith, race, ethnicity, disability, sexuality, age and social deprivation.
 - We will undertake consultation as the plan is prepared.
 - We will choose consultation processes by balancing available resources, cost and time constraints, and our level of discretion on the outcome.
 - Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decision.

- Enough time (minimum of 6 weeks) will be given for responses.
- We will inform those who respond to a consultation of later stages in the process, where required.

Who we will Consult

- Statutory organisations including councils, infrastructure providers and government bodies as legally required or otherwise appropriate.
- The general public.
- Groups representing place or interest communities.
- Local business, voluntary and other organisations.
- Planning and development industry and consultants.
- Others who have expressed an interest in the subject matter.

How we will Consult

- We will contact appropriate organisations and individuals directly.
- We will publicise consultations by a combination of methods, as appropriate, such as: website, press release, displays, social media, community groups, community events.
- We will make consultation documents available at council offices and public libraries where appropriate.
- Consultation documents will be made available for download via each Council's website.
- We will consider organising consultation events such as public exhibitions and stakeholder workshops.
- We will publish comments received or a summary as soon as feasible. We will explain how these comments have been taken into account when decisions are made.

When we will Consult

- We will consider the need for targeted engagement with organisations and key stakeholders in developing a preferred option for consultation.
- The first consultation will ask for comments on the Draft South Essex Joint Strategic Plan, which will present the Council's preferred option.
- After considering the initial consultation responses we will formally publish the 'Publication Version' of Plan for representations in accordance with the relevant regulations before submission to Government.

Appendix C: Draft Neighbourhood Planning Addendum


Note: It is proposed that the below addendum replaces paragraph 2.20 of the adopted SCI 2016

Neighbourhood Planning

- 1.1 Neighbourhood planning was introduced by the Localism Act in 2011, and gives local communities new powers to take decisions to help shape and drive the development that takes place in their area. There are three main types of neighbourhood planning available to communities:
- **Neighbourhood Plan** – A neighbourhood plan is a statutory planning document that sets planning policies for a defined neighbourhood area. A neighbourhood plan can allocate land for development, including new homes and employment, as well as setting policies on design and uses. Once adopted, a neighbourhood plan will form part of the Council's local development plan, against which all planning applications and proposals will be determined.
 - **Neighbourhood Development Order** – A neighbourhood development order allows communities to grant planning permission for specific types of development their area.
 - **Community Right to Build Order** – A community right to build order is a form of a neighbourhood development order which allows communities to grant planning permission for local small-scale developments that would be of community benefit.
- 1.2 Whilst the Local Plan usually sets policies that apply to the authority area as a whole, neighbourhood plans typically set policies that will only apply to a smaller 'neighbourhood area'. In practice, these neighbourhood areas often align with parish boundaries.
- 1.3 Neighbourhood planning is community-led, as opposed to being led strictly by the Council as local planning authority. Neighbourhood plans and development orders can only be prepared by a defined 'neighbourhood forum' whilst community right to build orders can be prepared by any community organisation with 10 or more members resident in the area. Whilst a neighbourhood forum will often be a Parish or Town Council, they may also be led by other community groups, and crucially should be open and accessible to all in the local community.
- 1.4 Neighbourhood plans and orders must accord with both the Council's local development plan and national planning policy. They must also acknowledge and take account of International, European and national designations and laws (including historic and environmental designations, and human rights laws). A neighbourhood plan or development order can propose additional development to what is set out in the Council's local development plan, but cannot propose less or seek to block development that has already been approved.

1.5 The procedural requirements governing neighbourhood planning – including consultation and engagement requirements – are set out in the Neighbourhood Planning (General) Regulations 2012, as amended. Where the SCI is silent, or amendments are made to these regulations that make the SCI non-compliant, the regulations will take precedence.

1.6 The main stages in neighbourhood planning are set out below:

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- Step 1: Designating the neighbourhood area and, if appropriate, neighbourhood forum
 - Step 2: Preparing a draft neighbourhood plan or Order
 - Step 3: Pre-submission publicity and consultation
 - Step 4: Submission of a neighbourhood plan or Order proposal to a local planning authority
 - Step 5: Independent Examination
 - Step 6: Community Referendum
 - Step 7: Bringing the neighbourhood plan or Order into force

What role does the Council play in Neighbourhood Planning?

1.7 The Town and Country Planning Act 1990 (as amended) places a statutory responsibility on the Council as local planning authority to assist communities in its area in the preparation of neighbourhood plans and orders. The Council is also expected to assist in the management of the examination and referendum stages of neighbourhood planning, where applicable.

1.8 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:

- Providing advice and guidance to relevant bodies, as necessary. This includes aiding in understanding the procedural and regulatory requirements of neighbourhood planning;
- 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;
- Attending meetings on occasion to provide updates on local, regional and national plan-making, and highlighting the potential implications on neighbourhood planning;

- Making relevant information and evidence available to the relevant body for their consideration, and aiding in its interpretation;
- Reviewing documents and drafts and offering feedback, including on potential issues around accordance with the local development plan and national planning policy;
- Fulfilling the Council's obligations to consult, as set out in the Neighbourhood Planning Regulations 2012, as amended; and
- Making arrangements and managing the examination and referendum processes.

1.9 As of July 2018, only one neighbourhood area and forum have been designated in the District, at Canewdon and Wallasea Island.

Consultation Methods

- 1.10 The primary community engagement supporting the preparation of a neighbourhood plan, neighbourhood development order or community right to build order should be carried out by the relevant neighbourhood forum or community organisation. The Neighbourhood Planning Regulations 2012, as amended, set out the detailed engagement requirements that relevant bodies will be expected to fulfil as they prepare a neighbourhood plan or order. A statement will accompany any draft neighbourhood plan indicating what consultation took place and how it has informed the preparation of the plan.
- 1.11 The Neighbourhood Planning Regulations 2012, as amended, do, however, also define specific consultation requirements that the Council is expected to undertake at key stages.
- 1.12 These key stages, and the consultation that the Council will undertake at these stages, are set out in the table below:

Plan Stage	Engagement Opportunities
Neighbourhood Area designation consultation	<p>The Council is required to hold a public consultation on any area application it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>The area application, details on how to make representations, and the date by which representations must be received will all be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas.</p> <p>As soon as possible after designating a neighbourhood area, the Council will publicise on its website, and any other mediums deemed appropriate, information</p>

Plan Stage	Engagement Opportunities
	<p>including the name of the neighbourhood area, a map which identifies the area, and the name of the relevant body who applied for the designated. Where an application is refused, the Council will instead publicise the reasons for that decision.</p>
<p>Neighbourhood Forum designation consultation</p>	<p>The Council is required to hold a public consultation on any forum application it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>The forum application, details on how to make representations, and the date by which representations must be received will all be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas.</p> <p>As soon as possible after designating a neighbourhood forum, the Council will publicise on its website, and any other mediums deemed appropriate, the name of the neighbourhood forum, a copy of the written constitution of the forum, and the name of a contact and neighbourhood area to whom the forum relates. Where an application is refused, the Council will instead publicise the reasons for that decision.</p>
<p>Neighbourhood Plan or Order proposal or modification proposal</p>	<p>The Council is required to hold a public consultation on any proposed neighbourhood plan or order, or proposed modification to a plan or order that it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>Details of the proposal, how to inspect the proposal, details of how to make representations and the date by which those representations must be received will be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. In the case where an order proposal triggers the requirements of Regulation 33 of the EIA Regulations, the Council will also place details of the proposal on a site notice on or near the land in question, and a notice in a newspaper circulating in the locality.</p> <p>As soon as possible after making a decision under</p>

Plan Stage	Engagement Opportunities
	Regulations 18 or 25 of the Neighbourhood Planning Regulations 2015, the Council will publish its decision statement and the examiner's report, including details of where that statement can be inspected, on its website and by any other mediums deemed appropriate.
Community Referendum	The Council will organise a referendum on any plan that has been considered at examination to meet the basic standards. People living the neighbourhood area who are registered to vote in local elections will be entitled to vote in this referendum. The Council will organise and publicise the referendum as it would for any local election.
Decision to make, or refuse to make, a neighbourhood plan or order	<p>The Council will publicise its decision statement, the made neighbourhood plan or order (if applicable), and details of how to inspect both documents on its website and through any other medium deemed appropriate.</p> <p>This information may be publicised by email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas. The Council will directly contact the relevant body and any other individuals who asked to be notified of the making of the neighbourhood plan or order, as required by the Neighbourhood Planning Regulations 2012, as amended.</p>
Modifications to or revocation of a neighbourhood plan or order	<p>The Council will publish a statement setting out the reasons for modifications or revocations, and details of how to inspect this statement, on its website and through any other medium deemed appropriate.</p> <p>This information may be publicised by email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas. The Council will directly contact the relevant body and any other individuals who asked to be notified of the making of the neighbourhood plan or order, as required by the Neighbourhood Planning Regulations 2012, as amended.</p>