

From: Susan Carey – Cabinet Member for Environment
Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 12 November 2020

Subject: Consultation on Draft Statement of Community Involvement:
Minerals and Waste Planning Policy and Planning Applications –
Minerals and Waste and County Council Development

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: Countywide

Summary:

The Statement of Community Involvement (SCI) sets out the Council's approach to involving the community in plan making and its consideration of planning applications within Kent. The County Council's first SCI was adopted in 2006 and two separate Addendum documents were published in April 2013 and January 2014.

Updates to the Town and Country Planning Regulations require all councils' SCIs to be reviewed every five years and therefore the Council's SCI needs to be reviewed.

Changes are proposed to the SCI, mainly to take into account changes in legislation and national planning policies and some other factual updates. Key proposed changes will result in a streamlining of the plan making process and a shift towards increasing engagement via digital means. The document is formatted in a new way that is intended to make its contents clearer.

It is worth highlighting that the opportunities for engagement during plan making and consideration of planning applications have not changed and the draft SCI also includes a new section on how the county council will support neighbourhood planning.

Consultation on a draft SCI prior to adoption is not a statutory requirement but is best practice that allows communities and stakeholders an opportunity to make comments and influence the final document.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to approve the draft updated Statement of Community Involvement (as set out in Appendix 1) for public consultation.

1. Introduction and Background

1.1 As the county planning authority for Kent, the County Council is required to prepare

planning policy and determine planning applications concerning waste management and minerals supply in the County. The Council is also required to determine planning applications relating to its own development, for example new schools accommodation.

- 1.2 National planning policy and legislation recognises the importance of engaging with local communities to shape the places where they want to live, work and play and under the Planning and Compulsory Purchase Act 2004 the Council is required to produce a Statement of Community Involvement (SCI) which sets out how it will involve communities in its planning activities. The Council is expected to tailor its SCI to the specific needs and characteristics of the county and allow the involvement of all interested parties.
- 1.3 The Council adopted its first SCI in 2006 and, following changes to the planning process, two separate Addendum documents were published in April 2013 and January 2014. The Town and Country Planning (Local Planning) Regulations were amended to require that the SCI is reviewed at least every five years and as a result the SCI has now been reviewed and text of a revised document is proposed.

Draft Revised Statement of Community Involvement

- 1.4 The draft revised SCI is attached at Appendix 1. It clearly sets out principles and approaches for involving the community (including local people – those who live in, work in or visit Kent, for borough, district, parish and town councils and for other organisations which represent key community interests) in:
 - The plan making process such as Development Plan Documents (local plans), Supplementary Planning Documents and Neighbourhood Plans, and;
 - the consideration of planning applications by the County Council.
- 1.5 Key changes proposed to the current published SCI are as follows:
 - Changes to the way information is presented in the document through the inclusion of tables describing the different consultation methods the council will employ in different circumstances;
 - an explanation of how the Council will support District and Borough Councils in the preparation of Neighbourhood Plans in their areas (inclusion of such information in SCIs is now a statutory requirement¹);
 - increased emphasis on consultation by digital means;
 - changes to neighbour notification as part of the determination of planning applications; and,
 - changes to minimum consultation periods to streamline plan-making.

2. Next Steps

- 2.1 It is proposed that the draft revised SCI is published for a six week period of

¹ Section 18 of the Planning and Compulsory Purchase Act 2004 as amended by Section 6 of the Neighbourhood Planning Act 2017

consultation during November and December. If the period extends over the Christmas holiday period, then the consultation period will be extended to 8 weeks. Public consultation on a draft SCI is not a statutory requirement but it is considered best practice.

- 2.2 Following the consultation, the comments received will be considered and any changes required will be made to the SCI. The comments received and any proposed changes will be reported to the Environment and Transport Cabinet Committee in early 2021, along with a recommendation to adopt the revised SCI.

3. Financial Implications

- 3.1 The costs of implementing the SCI are met from the Environment, Planning and Enforcement Division - Planning Application's existing budget.

4. Policy Framework

- 4.1 The SCI supports the County Council's corporate practice on engagement with residents and its engagement principles reflect those of The Kent Partners Compact (2012).

5. Legal Implications

- 5.1 The County Council is required by the Planning and Compulsory Purchase Act 2004 to prepare and maintain a Statement of Community Involvement (SCI) that sets out how the Council will engage with communities and other stakeholders when preparing, and updating, planning policy and processing planning applications. Legislation also requires the County Council to set out in its SCI how it will support the preparation of neighbourhood plans.
- 5.2 The current SCI was adopted in 2012 and needs updating to reflect updates to consultation practice and how it supports neighbourhood plan preparation. The County is also required by the Regulation 10A of the Town and Country (Local Plan) (England) Regulations 2012 to review its SCI every five years.

6. Equalities implications

- 6.1 An equality impact assessment (EQIA) has been completed and limited equality implications have been identified relating to how increasing use of digital communications might impact on older age groups and those with certain disabilities. These impacts will be ameliorated by material being available in alternative accessible formats upon request. A copy of the assessment is attached at Appendix 2.

7. Conclusion

- 7.1 The County Council is statutorily required to prepare a SCI setting out how it will engage communities and other stakeholders on its preparation of planning policy and determination of planning applications. The current SCI was amended in 2014 and the Council is obliged to review the SCI every five years. The SCI has been reviewed and a revised draft SCI has been prepared. It is proposed that before the

Council adopt the revised SCI it provides stakeholders with an opportunity to comment on and influence its contents by publishing the draft for consultation.

8. Recommendation

The Environment and Transport Cabinet Committee is asked to approve the draft updated Statement of Community Involvement (as set out in Appendix 1) for public consultation.

9. Contact details

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Appendix 1:

Draft Revised Statement of Community Involvement

Appendix 2:

Draft Revised Statement of Community Involvement – Equality Impact Assessment