

**From:** Susan Carey – Cabinet Member for Environment

Barbara Cooper, Corporate Director for Growth, Environment, and Transport

**To:** Environment and Transport Cabinet Committee – 18 March 2021

**Decision No:** 21/00029

**Subject:** Outcome of Consultation and Adoption of 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 is a legal requirement arising from the Council's town and country planning responsibilities. It 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 Statement of Community Involvement was adopted in 2006 and two separate Addendum documents were published in April 2013 and January 2014. As the Town and Country Planning Regulations require a council's Statement of Community Involvement to be reviewed every five years, the current Statement requires review.

Following a review, revisions are proposed to the adopted Statement of Community Involvement document, mainly to take into account changes in legislation and national planning policies and some minor 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 and includes a new section on how the County Council will support neighbourhood planning.

A draft Statement of Community Involvement document was considered by the Environment and Transport Cabinet Committee in November 2020, where Members endorsed the document for public consultation in line with best practice.

The public consultation was undertaken from December 2020 – January 2021. As a result of the consultation, several minor amendments have been made to improve clarity throughout the document. The document however remains materially unchanged in terms of its policies and objectives from the public consultation version.

Following public consultation and the consideration of responses, it is proposed that the revised Statement should be adopted by the County Council as the basis for engagement on planning applications and the Council's plan making responsibilities.

**Recommendation(s):**

The Environment and Transport Cabinet Committee is asked to:

(i) Note the summary of the comments received on the consultation draft of the updated Statement of Community Involvement (SCI) and the Council's proposed response to them (see Appendix 1)

(ii) note the content of the updated Statement of Community Involvement proposed for adoption (see Appendix 2); and,

(iii) to consider and endorse, or make recommendations to the Cabinet Member for Environment on the proposed decision, attached at Appendix A to:

(a) adopt the updated Statement of Community Involvement as the basis for engagement on the Council's planning applications and plan making responsibilities;

(b) delegate powers to the Corporate Director for Growth, Environment & Transport to approve any minor modifications to the text of the Statement of Community Involvement, in consultation with the Cabinet Member for Environment, which may be needed (such as formatting changes and typographical errors), in order to publish the Statement of Community Involvement.

## **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 school 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 Statement of Community Involvement to the specific needs and characteristics of the county's communities and allow the involvement of all interested parties.

1.3 The Council adopted its first Statement of Community Involvement 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 Statement of Community Involvement is reviewed at least every five years and as a result the Statement has now been reviewed and text of a revised document is proposed. The timing of the Statement of Community Involvement work has been influenced by the recent adoption of the Early Partial Review of the Kent Minerals and Waste Local Plan in 2020.

### **Revised Statement of Community Involvement**

1.4 A revised Statement of Community Involvement was considered by the Environment and Transport Cabinet Committee in November 2020, where Members endorsed the document for public consultation in line with best practice.

1.5. The consultation draft clearly sets out principles and approaches for involving the

community in its widest sense, including local people – those who live in, work in or visit Kent, the 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 determined by the County Council.

1.6 Key changes proposed to the current adopted Statement of Community Involvement were 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 Statements of Community Involvement is now a statutory requirement );
- 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.

### **Public Consultation**

- 1.7 Public consultation was undertaken from December 2020 – January 2021. Approximately 5000 individuals were invited to take part in the consultation, including members of the public, Members of the County Council, the Parish, Town, District and Borough Councils, as well as other relevant statutory bodies and stakeholders. The consultation was advertised on Kent County Council's consultation portal.
- 1.8 A total of 16 representations were received from 15 consultees consisting of statutory bodies, District, Borough and Parish/Town Councils in Kent and members of the public. Three representations indicated they had no comments to make. Details of the comments received, how they were considered and any subsequent changes made to the Statement of Community Involvement are available in the Consultation Summary at Appendix 1.
- 1.9 From those that responded to the public consultation, there was support for the engagement approach set out in the revised Statement. As a result of the consultation, several minor amendments have been made to improve clarity throughout the document and respond to comments made. In particular changes have been made to include the Marine Management Organisation, the South East Local Enterprise Partnership, Mayor of London and Transport for London to the list of Statutory Consultation Bodies identified in Appendix 2 of the Statement of Community Involvement for plan making purposes, specific reference to the Data Protection Act 2018 and additional text to reflect and encourage the benefits of pre-application engagement. The revised Statement of Community Involvement also includes Neighbourhood Planning Groups and Coastal Community Teams to the list of general consultees in Appendix 3 of the Statement.

- 1.10 The document however remains materially unchanged in terms of its policies and objectives from the public consultation version. A copy of the revised Statement following public consultation is at Appendix 2.
- 1.11 A number of representations refer to more general comments relating to mineral and waste management development which are relevant when considering a planning application or development of local plan policy. These concerns are not appropriate to address in the Statement of Community Involvement, but have been noted.

## **2. Next Steps**

- 2.1 Following consideration by Environment and Transport Cabinet Committee, the Cabinet Member for Environment will be asked to adopt the Statement of Community Involvement. Following adoption, stakeholders, including all those who commented on the consultation draft of the Statement will be notified and the adopted document will be available on the Council's website.
- 2.2 The updated Statement of Community Involvement will be used by the County Council when determining planning applications related to its responsibilities and its plan making responsibilities.
- 2.3 Prior to final publication of the Statement of Community Involvement, minor changes may be needed, and it is proposed that the agreement to such changes be delegated to the Corporate Director for Growth, Environment & Transport in consultation with the Cabinet Member for Environment.

## **3. Financial Implications**

- 3.1 The costs of implementing the Statement are met from the Environment, Planning and Enforcement Division - Planning Applications' budget.

## **4. Policy Framework**

- 4.1 The Statement of Community Involvement supports the County Council's corporate practice on engagement with residents and its engagement principles reflect those of The Kent Partners Compact (2012) and the Department for Communities and Local Government's Revised Best Value Statutory Guidance, 2015.
- 4.2 The revised Statement will be used to deliver the Council's adopted Mineral and Waste Local Plan strategy and policies in Borough and District Council's local plans. These are in accordance with national planning policies and support the County Council's corporate policies contained within the Council's Strategic Statement 'Increasing Opportunities, Improving Outcomes – Kent County Council's Strategic Statement 2015-2020 and the recently approved Setting the Course – Kent County Council's Interim Strategic Plan 2020, which sets the Council's priorities for 2021 and the first half of 2022.

4.3 Kent's mineral and waste planning policies and the Council's infrastructure projects support and facilitate sustainable growth in Kent's economy. In addition, they support the creation of a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

## **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 Statement of Community Involvement how it will support the preparation of neighbourhood plans.

5.2 The current Statement 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 3.

## **7. Conclusion**

7.1 The County Council is statutorily required to prepare a Statement of Community Involvement (SCI) setting out how it will engage communities and other stakeholders on its preparation of planning policy and determination of planning applications. The current Statement was amended in 2014 and the Council is obliged to review the Statement every five years. The Statement of Community Involvement has been reviewed and a revised draft Statement has been prepared which has been subject to public consultation. The consultation has illustrated support for the engagement approach set out in the revised Statement and as a result of the responses, several minor amendments have been made. A clean version of the Statement of Community Involvement incorporating the changes informed by the public consultation is set out in Appendix 2. It is proposed that the Council adopt this updated Statement of Community Involvement and that it provides the basis for engagement on the Council's planning application and plan making responsibilities.

## **8. Recommendations:**

The Environment and Transport Cabinet Committee is asked to:

- (i) Note the summary of the comments received on the consultation draft of the updated Statement of Community Involvement (SCI) and the Council's proposed response to them (see Appendix 1)

(ii) note the content of the updated Statement of Community Involvement proposed for adoption (see Appendix 2); and,

(iii) to consider and endorse, or make recommendations to the Cabinet Member for Environment on the proposed decision, attached at Appendix A to:

(a) adopt the updated Statement of Community Involvement as the basis for engagement on the Council's planning applications and plan making responsibilities;

(b) delegate powers to the Corporate Director for Growth, Environment & Transport to approve any minor modifications to the text of the Statement of Community Involvement, in consultation with the Cabinet Member for Environment, which may be needed (such as formatting changes and typographical errors), in order to publish the Statement of Community Involvement.

## 9. Appendices

- **Appendix A:** Proposed Record of Decision
- **Appendix 1:** Statement of Community Involvement Draft October 2020 – Minerals and Waste Planning Policy and Planning Applications - Minerals and Waste and County Council Development : Summary of Consultation Responses – 2021
- **Appendix 2:** Statement of Community Involvement 2021 – Minerals and Waste Planning Policy and Planning Applications - Minerals and Waste and County Council Development (post consultation version)
- **Appendix 3:** Statement of Community Involvement 2021 – Minerals and Waste Planning Policy and Planning Applications - Minerals and Waste and County Council Development: Equality Impact Assessment:  
<https://democracy.kent.gov.uk/ecCatDisplay.aspx?sch=doc&cat=14891>

## 10. Contact details

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