

**STRATEGIC PLANNING
SUSTAINABILITY &
TRANSPORT COMMITTEE**

4 December 2018

**Statement of Community Involvement 2018 – summary of
the consultation**

Final Decision-Maker	Strategic Planning, Sustainability & Transport Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Stuart Watson, Planning Officer (Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

This report provides a summary of the comments received on the Statement of Community Involvement 2018 consultation that was held between 3 August and 17 September 2018. This report also provides a summary of the changes that have been made to the Statement of Community Involvement 2018.

This report makes the following recommendations to this Committee:

That Council be recommended to adopt the Statement of Community Involvement 2018.

Timetable

Meeting	Date
Strategic Planning, Sustainability & Transport Committee	4 December 2018
Council	12 December 2018

Statement of Community Involvement 2018 – summary of the consultation

1. INTRODUCTION AND BACKGROUND

- 1.1 At its meeting on the 10 July 2018 this committee agreed that the Maidstone Statement of Community Involvement (SCI) 2018 (draft) go out for consultation to fulfil the Council's statutory consultation requirement.
- 1.2 The SCI 2018 (draft) consultation was held for 6 weeks between Friday 3 August 2018 and Monday 17 September 2018. Copies of the SCI 2018 (draft) with instructions were deposited at libraries within the borough and at the Maidstone Link. The document was also made available on the Council's website and the Strategic Planning consultation portal. A public notice appeared in the local press and consultees on the Strategic Planning consultation portal were notified. Representation to the SCI 2018 (draft) consultation could be made online via the consultation portal, by email and by letter.
- 1.3 The closure of the SCI consultation was extended to accommodate problems with the links to the SCI document and its provision on the Council's website. The extension was put in place to ensure that the Council would meet the statutory 6 week time period for the SCI's consultation.
- 1.4 By the close of the consultation on 17 September 2018, 20 representations had been received. 18 representations were submitted by email and 2 through the consultation portal. The summarised themes from the responses are listed below:
 - Misunderstanding of the SCI's role in the development of the Council's Local Plan resulting in comments about levels of housing provision, allocation of sites for development and infrastructure provision;
 - How the SCI 2018 (draft) differs from previous versions;
 - Provision of hyperlinks to relevant legislative documents;
 - Enlargement and minor amendments to 'Diagram 1: Plan making' to correct grammatical errors and to make it easier to read;
 - The roles of the authority monitoring report, supplementary planning documents and development plan documents and the SCI in the Council's Plan making and planning decisions;
 - Regularity on updating the Council's SCI;
 - Infrastructure providers whose responses stated their satisfaction with the draft SCI 2018.
 - Provide detail on what the consultation portal is and its role;
 - Support for neighbourhood forums with an adopted neighbourhood plan being able to call in planning applications to committee;
 - Clarity on what constitutes a major development in pre-application discussions;

- The difference between Maidstone Borough Council and Kent County Council pre-application advice service.
- Procedures for notifying neighbours on planning applications and planning decisions;
- Minor amendments to tables and text for clarity and to correct grammatical errors.

1.5 The appropriate responses to the consultation have been duly considered by officers and incorporated within the SCI. Amendments to the SCI were considered on their relevance to the Councils plan making and planning decision procedures, current legislative requirements and to provide clarity and correct grammatical errors. The amendments as summarised are listed below:

- Inclusion of churches and religious groups to the list of hard to reach groups, requested by a church organisation, however, this category applies to a diverse range of religions;
- Instalment of hyperlinks to relevant legislative documents to make cross referencing with the SCI easier;
- Enlargement and minor amendments to 'Diagram 1: Plan making' to correct grammatical errors and to make it easier to read;
- Details provided on the Strategic Planning consultation portal to explain its independent role from the Council's website;
- Amendments to the subsection on pre-application advice to clarify the consideration given to developments and to strongly encourage pre-applications and planning performance agreements;
- Amendments to the subsection on planning enforcement to clarify the action the Council may take on enforcement matters and the role of the Planning Inspectorate;
- Explanation of KCC's pre-application service and how it differs to the service provide by the Council;
- Further details on the notification process to adjoining owners and occupiers for amendments to planning applications and that adjoining owners and occupiers will be notified about works to trees in conservation areas;
- Inclusion of description on the Council's procedure for public accessibility to viability assessments on Table 4. This is to make clear within the SCI that viability assessments are made public;
- Changes to application type descriptions;
- Very minor amendments to tables and text to correct grammatical errors;

1.6 A number of amendments were received and were not deemed appropriate to be included within the SCI. They are summarised below:

- Requests for duplication of details contained within planning legislation were considered unnecessary with hyperlinks and directions provided within the SCI to relevant legislation;
- Requests for details on changes made to planning legislation to be contained within the SCI were considered, however changes to legislation since 2013 have been extensive and hyperlinks and directions are provided within the SCI to relevant legislation;

- Requests for unnecessary definitions for self-explanatory terms and where links were provided to legislation.
 - Requests for details to be included within the SCI on actual community input and how it has shaped planning documents, this is not role of the SCI and details can be found within relevant committee reports; and,
 - Unnecessary changes to Local Plan and planning decision making procedures in the SCI that deviated from those required in legislation.
- 1.7 The revised SCI containing the appropriate amendments is contained within Appendix 1. The SCI is a local development plan document and after adoption will be made available on the Councils website.
- 1.8 An updated SCI that contains the latest planning legislation and the Council's planning practices will make a positive contribution towards engagement with all sectors of the community. However, it has been identified through the consultation process and as part of an equalities impact assessment that whilst the impact of an updated SCI will be positive, older persons, people with disabilities and Maidstone's religious communities are more difficult to reach. We want to ensure that the needs of these groups are considered to ensure equitable levels of engagement and involvement in planning practices for all residents.
- 1.9 When engaging with these three groups, we will consider the most appropriate consultation and engagement methods such as organising events and meetings in the communities we want to reach and selecting accessible venues. We will ensure internal departmental processes are in place such as the ability to provide planning documents in alternative formats.

2. AVAILABLE OPTIONS

- 2.1 Option A. That the Committee resolve to recommend to Council that the Statement of Community Involvement 2018 be adopted and published on the Councils website.

Option B. That Committee request amendments to the Statement of Community Involvement 2018 and that the document be brought back to the committee at a later date.

Option C. That the Committee decide to not recommend the SCI to Council. This option would not meet the Council's statutory duties to undertake 5-yearly reviews of the SCI as a minimum, and the currently adopted SCI does not reflect changes to planning legislation and the Council's planning practices. The risks associated with not updating the SCI at this point are limited, but these will increase over time as the review of the Maidstone Borough Local Plan progresses through its consultation stages to examination, when the Inspector will consider whether such consultations have been undertaken in accordance with an up-to-date SCI.

Option D. That Committee recommend that minor amendments be made to the Statement of Community Involvement 2018 before its consideration by Council and publication on the Councils website.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 Option A is the preferred option and will ensure that the Council will fulfil its statutory duties by updated the SCI. Changes in legislation governing SCI's require local authorities to:

- Undertake 5-yearly reviews of their SCIs;
 - Set out the Council's consultation processes for the preparation of neighbourhood plans in SCIs; and,
 - Explain how the Council will support and advise parish councils and neighbourhood forums during the preparations of their plans.
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4. RISK

4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 2.1. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.1 If the SCI 2018 is adopted, the date the SCI becomes effective will be added to paragraph 1 of the document.

5.2 Following a Council decision to adopt the SCI 2018, it will be placed on the Councils website.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	It is not expected that the recommendations will by themselves materially affect	Planning Officer (Strategic)

	achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3.	Planning)
Risk Management	No implications	Planning Officer (Strategic Planning)
Financial	No implications	Planning Officer (Strategic Planning)
Staffing	No implications	Planning Officer (Strategic Planning)
Legal	The LPA must prepare a statement of community involvement (SCI). An SCI sets out an LPA's policy for consultation and engagement, both in the preparation and revision of local development documents and in dealing with planning applications (section 18, Planning and Compulsory Purchase Act 2004). The LPA must follow their SCI unless there is a good reason not to. Where an SCI includes an assurance that is "clear, unambiguous and devoid of relevant qualification", it may give rise to a legitimate expectation that the LPA will do what they have promised	Russell Fitzpatrick, Lawyer (Planning), Mid Kent Legal Services
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with the General Data Protection Regulations and locally adopted policies.	Cheryl Parks, Legal Officer (Planning), Mid Kent Legal Services
Equalities	The equalities impact has been	Equalities

	considered and whilst the overall review of the SCI is a positive for all residents, three groups with protected characteristics have been identified as hard to reach. The needs of these groups to facilitate their access to the planning process should be reflected in internal planning processes and the way which consultation and engagement is undertaken going forward.	and Corporate Policy Officer
Crime and Disorder	No implications	Planning Officer (Strategic Planning)
Procurement	No implications	Planning Officer (Strategic Planning)

7. REPORT APPENDICES

Appendix 1: Statement of Community Involvement 2018