

**Open Report on behalf of Andy Gutherson,
Executive Director - Place**

Report to:	County Council
Date:	13 September 2019
Subject:	Proposed Statement of Community Involvement

Summary:

The County Council is currently undertaking a statutory review of its existing Statement of Community Involvement (SCI) that was published in 2014. This sets out how the County Council will engage and consult the public and stakeholders with respect to the preparation of minerals and waste planning policy documents, and when determining planning and related applications.

On 18 December 2018 the Executive approved a Draft SCI for public consultation which took place from 21 January 2019 to 4 March 2019. The comments from that consultation exercise have been considered (Appendix A) and, where appropriate, modifications have been put forward (Appendix B) and incorporated into a Proposed SCI (Appendix C).

The Proposed SCI was endorsed by the Executive on 3 September 2019 with a recommendation that it be adopted by the County Council.

If this recommendation is accepted by the County Council, the adopted SCI will be published on the County Council's website with the supporting documents.

Recommendation(s):

That the County Council adopt the Proposed Statement of Community Involvement attached as Appendix C as its Statement of Community Involvement (September 2019).

1.0 Background

1.1 The County Council is required by the Planning and Compulsory Purchase Act 2004 to have a Statement of Community Involvement (SCI) setting out how it will engage and consult the public and stakeholders with respect to:

- the preparation of minerals and waste policy documents; and

- the determination of planning applications, including related applications such as applications for listed building consent.
- 1.2 The current SCI was last updated in 2014 and, under the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) ("the 2012 Regulations"), the County Council is required to review the document by October 2019 (five years from the last update).
- 1.3 On 18 December 2018, the Executive considered a report by the Chief Executive recommending that the SCI be reviewed and updated slightly early to:
- take account of changes to legislation;
 - increase the use of social media; and
 - make the document clearer and more "user friendly".
- 1.4 The report put forward a Draft Consultation SCI which had been subject to the prior consideration of the Environment and Economy Scrutiny Committee. That Committee had supported the recommendation in the report to proceed with public consultation for a period of six weeks, but passed on the following comments as part of the consideration of the item:
- The Committee stressed the need to set the correct level of expectation when publicising and notifying the public on planning applications.
 - The Committee supported greater use of both the County Council's social media channels and targeted social media such as Facebook.
 - The Committee highlighted the need to be clear and stressed the need to ensure that social media engagement included clear guidance on where and how to submit comments to the County Council.
 - A member of the Committee queried whether the proposal to issue press notices solely in the Lincolnshire Echo for certain types of application was a token gesture, due to its limited coverage across the County.
- 1.5 Having carefully considered the comments of the Environment and Economy Scrutiny Committee, the Executive approved the Draft SCI for public consultation.

Bodies Consulted on the Draft Statement of Community Involvement (January 2019)

- 1.6 Whilst there is no statutory requirement for the County Council to consult when reviewing and updating its SCI, it is considered to be good practice to do so in order to enable communities and other stakeholders to have their say on the content of the new SCI. Regard was therefore had to the consultation requirements for Local Plans (as set out in the 2012 Regulations) as a basis for identifying relevant consultees for the Draft SCI. In particular, involvement was sought from all relevant 'specific' and 'general' consultation bodies specified in the regulations.

1.7 The **Specific Consultation Bodies** consulted on the Draft SCI included (but were not limited to) statutory organisations such as:

- The Environment Agency
- Historic England
- Natural England
- Highways England
- Statutory Undertakers and Infrastructure Providers (e.g. National Grid, Anglian Water, Western Power, BT)
- Clinical Commissioning Groups
- Greater Lincolnshire Nature Partnership
- Greater Lincolnshire Local Enterprise Partnership
- All Parish and District Councils within Lincolnshire [including the Lincolnshire Association of Local Councils], along with all neighbouring County, District and Parish Councils that share a border with Lincolnshire.

1.8 The **General Consultation Bodies** that were consulted on the Draft SCI included (but were not limited to):

- Voluntary bodies whose activities benefit Lincolnshire
- Bodies representing the interests of different racial, ethnic or national groups in Lincolnshire
- Bodies representing the interests of different religious groups in Lincolnshire
- Bodies representing the interests of disabled persons in Lincolnshire
- Bodies representing the interests of persons carrying on business in Lincolnshire.

1.9 The Draft SCI was published for consultation on 21 January 2019 for a period of six weeks ending on 4 March 2019. All Members of the County Council were notified of this consultation.

Results of the Consultation Exercise

1.10 Details of the responses received during the consultation exercise are detailed in the Consultations Outcome Statement attached as Appendix A, which also includes the officer response to each comment received. A total of 26 respondents made 34 individual comments on the Draft SCI. The respondents included statutory and voluntary bodies, local authorities, parish councils and planning consultants. Of the 26 respondents, 15 were local authorities or parish councils, with two thirds of these organisations located outside of, but adjacent to, the County.

1.11 About half of all comments received either expressed support or had no specific comments or objection in relation to the Draft SCI. In terms of specific comments it is considered that the main issues raised were:

- Gainsborough Town Council – wanted to see wider use of press notices and social media beyond those specified in the Draft SCI;
- South Lincolnshire Blind Society – stated that the Draft SCI gave little consideration to how the County Council would engage and consult the blind population within the County, but made no specific recommendations for its improvement other than incorrectly stating that it contained no statement to say what alternative formats will be available.
- Leicestershire County Council – recommended the removal of links to web pages because these frequently change thereby removing their usefulness
- Heighington Parish Council – stated that the amount of abbreviations used made the document difficult to read and requested that a glossary is included.
- Hughes Craven Ltd (a consultancy specialising in minerals) – raised a number of points on how the County Council will engage with mineral operators and their agents. In particular, concerns were raised over the use of the County Council's website as the preferred method for sharing information and receiving responses because, they claimed, few mineral operators within the County actively check or are even aware of the website. They did, however, welcome the proposal to circulate letters to relevant parties, suggesting that this should include mineral operators and their agents. To enable this, they suggested that the County Council should establish a contact list of both operators and agents which should be updated on a regular basis.
- Robert Doughty Consultancy Ltd – also asked the Council to give a commitment to create and maintain a consultation database of mineral/waste operators and their agents.

Comments of the Planning and Regulation Committee

- 1.12 In addition to the general consultation carried out on the Draft SCI, the Planning and Regulation Committee were asked for their informal comments at their meeting on 4 March 2019. The Committee welcomed progress on the review of the Statement of Community Involvement and was particularly supportive of the proposed use of social media to publicise some applications. They recommended, however, that this should be extended to cover minor applications that affect the setting of a listed building or the character and appearance of a conservation area.
- 1.13 The Committee also questioned the proposal to limit press notices to the Lincolnshire Echo, which they advised is not widely available in all parts of the County – particularly in the south. Whilst they acknowledged the limited benefit and high cost of press notices, they considered that limiting notices to one newspaper was a minimal "tick box" approach. They therefore recommended that in those parts of the County where the Lincolnshire Echo

is not widely available, other local papers should be used. In this respect the point was made that some people, particularly the elderly, were not on the internet and relied on local papers. In addition, they considered that opportunities should be sought to publicise applications in local free papers.

- 1.14 Finally, the view was expressed that neighbour notifications should not be restricted to adjoining properties, but should be distributed more widely.

Modifications to the Draft Statement of Community Involvement

- 1.15 In response to the comments made on the Draft SCI, a number of modifications have been proposed as set out in the Proposed Schedule of Modifications to the Draft Statement of Community Involvement (January 2019) attached as Appendix B. These include the following:

- Extended use of Social Media – it is proposed to extend the use of social media to publicise planning applications for minor development which affect the setting of a listed building or character and appearance of a Conservation Area (excluding works that only affect the interior of Grade II Listed Buildings) recognising the particular sensitivity of these designations. This should address one of the concerns of the Planning and Regulation Committee and will go some way to addressing the concerns of Gainsborough Town Council.
- Alternative Languages and Formats – the draft SCI already includes contact details for obtaining the document in alternative languages and formats, but this is located at the back of the document. To make it more prominent, it is proposed to emphasise this information on the contents page of the document in response to the concerns of the South Lincolnshire Blind Society.
- Removal of links to individual web pages – where reference is made to County Council documents, the link will be replaced by reference to the County Council's web site where the document can be accessed. In other cases, it should be straight forward to locate the documents through a search engine such as Google. This should overcome the potential problem of links being changed identified by Leicestershire County Council.
- Inclusion of a List of Abbreviations – to address the concerns of Heighington Parish Council.
- Increased Press Notice coverage – the concerns raised over use of the Lincolnshire Echo is that this paper is not widely available in certain parts of the County. The proposed SCI therefore removes the reference to the Lincolnshire Echo and simply states that for certain types of application a press notice will be placed in a local newspaper. The choice of newspapers will be regularly reviewed, but initially it is proposed to use the Lincolnshire Echo for most of the County where it is readily available, the Skegness Standard in the east, and the Lincolnshire Free Press in

the south. This should help to address concerns originally raised by the Environment and Economy Scrutiny Committee and subsequently echoed by the Planning and Regulation Committee.

- Greater clarity that the County Council will use its discretion to contact relevant residents and businesses (including the minerals and waste industry) during Development Plan Document production and a commitment to set up and maintain an "opt-in" consultee list – in response to concerns raised by Hughes Craven Ltd and the Robert Doughty Consultancy Ltd.

1.16 Appendix B also includes a number of proposed minor modifications to improve the document's presentation, amend typographical errors and to reflect its status as the proposed final document. These have been incorporated into the Proposed SCI attached as Appendix C.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

An Equality Impact Assessment has been carried out and attached to this report as Appendix D. No positive or adverse impacts have been identified, subject to the comments below:

The South Lincolnshire Blind Society has expressed concern that the Draft SCI gives little or no consideration of how the County Council will engage and consult with the blind population. The society state that thought as to how this group of people may provide positive and meaningful input should be one of the prime objectives. In particular, they point out that there is no mention in the consultation letter or Draft SCI to say what alternative formats will be available. The society does not, however, put forward any suggestions on how the Council could better engage and consult with the blind population.

In response, it is considered that the Draft SCI does provide a comprehensive suite of measures to maximise community engagement through the mechanisms that are available to the authority. For Development Plan Documents, paragraph 2.8 states that specific organisations targeting under represented and seldom heard groups will be identified with assistance from the Council's Community Engagement Team and utilised during consultation. The "general consultees" notified during DPD production includes bodies that represent the interests of the blind population, such as the South Lincolnshire Blind Society.

For planning applications, consultation and publicity is more targeted and location specific. It is considered that the increased use of social media in addition to traditional methods is sufficient to involve all groups and individuals that may be affected by particular proposals.

Section 6 of the Draft SCI provides contact details for all enquiries regarding alternative languages and formats for the information in the document. It is, however, acknowledged that this information would be better placed at the beginning of the document to make it more prominent and to assist individuals utilising "text-to-speech" software. The Proposed SCI has been modified accordingly.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

It is considered that the Draft SCI would contribute to the aims of the JSNA and JHWS by improving the consultation/publicity given to planning matters that could

affect the environment, thereby increasing the opportunity for representations to be made about the impacts and for remediation to be put in place.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

This obligation has been considered but is not thought to be directly affected by the proposals in this report.

3. Conclusion

- 3.1 As previously stated, only 26 responses were received on the Draft SCI and about half of all the comments either expressed support or had no specific comments or objections. Where specific comments have been made, these have been considered together with the views of the Environment and Economy Scrutiny Committee and the Planning and Regulation Committee and, where appropriate, modifications have been incorporated into a Proposed SCI (Appendix C).
- 3.2 Some stakeholders, such as Gainsborough Town Council, would like the Council to go further in the use of press notices and social media. However, it is considered that the Proposed SCI strikes the right balance between ensuring effective communication without overwhelming the public/stakeholders on issues which are unlikely to affect them, or would entail excessive costs for the Council.
- 3.3 The proposed recommendation to adopt the Proposed SCI was supported by the Environment and Economy Scrutiny Committee at its meeting on 9 July 2019. Although the Committee asked for a number of comments to be reported to the Executive, it accepted that these would not necessitate any changes to the Proposed SCI (see full comments at the end of this report).

In particular, it was requested that consideration be given to:

- using a wider range of newspapers for the placement of press notices to ensure county coverage;
- encouraging parish councils to disseminate information on planning consultations more widely; and
- using "County News" to draw attention to the County Council's planning web pages.

- 3.4 In the case of press notices, the Proposed SCI allows flexibility for the choice of newspapers and undertakes to keep the selected newspapers under review. At present it is considered that the proposal to widen the range of newspapers to be used to three, which collectively cover the county, will provide some opportunity for the consolidation of notices (i.e. using one notice to publicise more than one planning application), thus helping to reduce costs. If a wider range of newspapers are used in the future, less consolidation will be possible and costs are likely to rise.
- 3.5 With respect to encouraging parish councils to disseminate information on planning consultations more widely, an appropriate note to this effect will be added to each consultation letter.
- 3.6 Finally, it is proposed that a notice will be placed in County News to help publicise the County Council's planning web pages.
- 3.7 Overall, it is considered that the approach set out in the Proposed SCI would promote an open and transparent process in terms of how the County Council engages and consults the public and stakeholders when producing planning policy documents and determining planning applications. This was recognised by the Executive at its meeting on 3 September 2019 which endorsed the Proposed SCI and recommended its adoption by the County Council.

4. Legal Comments:

Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires the Council to review its Statement of Community Involvement every 5 years.

Under s23(5) of the Planning and Compulsory Purchase Act 2004, a Statement of Community Involvement must be adopted by resolution of the authority. The final decision to adopt the new Statement is therefore reserved to full Council on the recommendation of the Executive.

5. Resource Comments:

Accepting the recommendation to adopt the Statement of Community Involvement should have no material impact on the budgets of the Council.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

At their meeting on 9 July 2019, the Environment & Economy Scrutiny Committee supported the officer recommendation to the Executive, seeking the Executive's endorsement of the Proposed SCI and its recommendation to the full County Council that the Proposed SCI be adopted as the final SCI. In addition, the Committee resolved that the following comments be reported to the Executive:

Members' supported the proposed arrangements for the placement of press notices, subject to consideration being given to other alternatives for those parts of the county where the Lincolnshire Echo was not available, for example in the Boston area, although it was noted that the newspapers used for printed press notices would be reviewed regularly. It was stressed that, as some people did not use the internet or social media, printed press notices remained important.

The Committee suggested the use of the Council's "County News" to advertise planning pages on the Council's website and requesting parish councils to use their noticeboards to publicise planning issues, or even circulate consultation information.

Members welcomed the fact that the consultation on the SCI extended beyond Lincolnshire's county boundary and noted that representations had been received from parish councils in adjacent counties.

It was also noted that the Council liaised with the Lincolnshire Association of Local Councils.

d) Have Risks and Impact Analysis been carried out??

Yes

e) Risks and Impact Analysis

Appendix D

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Consultation Outcomes Statement
Appendix B	Proposed Schedule of Modifications
Appendix C	Proposed Statement of Community Involvement
Appendix D	Equality Impact Assessment

7. Background Papers

Document title	Where the document can be viewed
The Report to the Executive on 18 December 2018 - Draft Statement of Community Involvement	www.lincolnshire.gov.uk
The Report to the Executive on 3 September 2019 – Proposed Statement of Community Involvement	

This report was written by Adrian Winkley, who can be contacted on 01522 554818 or adrian.winkley@lincolnshire.gov.uk

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