

Subject: Review of the Statement of Community Involvement

Report to: Policy & Resources Committee – 19 March 2019

Report by: John Clements, Strategic Planning Manager

SUBJECT MATTER

Review of Statement of Community Involvement, including addition of neighbourhood planning matters and personal data treatment.

RECOMMENDATION

That the Policy and Resources Committee adopts a revised Statement of Community Involvement comprising:

- a) the existing Statement of Community with following additions:**
 - i. i) Addendum on Neighbourhood Planning advice and assistance.**
 - ii. ii) Paragraph explaining how personal data will be treated; and**
- b) delegated authority is provided to the Strategic Planning Manager to make any further minor changes to these required in advance of publication.**

1. INTRODUCTION

1.1 A Statement of Community Involvement (SCI) is a formal document each local planning authority is required to have, explaining how it will involve the public in plan preparation and decisions on planning applications. The Council's current SCI was adopted in March 2014.

1.2 Following changes in legislation, the Council is now required to review its SCI within five years of adoption, and also to indicate how the Council will meet its obligation to provide advice and assistance to those preparing neighbourhood plans.

1.3 The existing SCI is found to remain appropriate, subject to additions meeting those obligations. Note that those additions do not require any changes to existing practices or intentions, but merely make these explicit to the general public.

1.4 The proposed changes were agreed by the Local Plan Working Party on 12th February 2019.

2 REVIEW OF STATEMENT OF COMMUNITY INVOLVEMENT

2.1 The Council's current Statement of Community Involvement (SCI) can be viewed on the Council's website via the following link: <https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1224&p=0>

2.2 It has been reviewed and is considered to remain appropriate, except it would be desirable to add a paragraph on use of personal data (in line with GDPR legislation).

How will we use your personal information?

In accordance with the General Data Protection Act 2018 (GDPR) we will use your personal information for the purposes of the provision of the Council services. The processing of this information is necessary for the Council to undertake a public task as defined under Article 6(1)(e) of the Act, i.e. the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law.

2.3 There is also a need to update the changed names of a few organisations (e.g. English Heritage is now Historic England), but this can be done under officers' delegated powers.

2.4 The SCI will need to be reviewed again within the next five years in the light of experience with its content and any change to practices and requirements.

3 ADVICE AND ASSISTANCE ON NEIGHBOURHOOD PLANNING

3.1 An addendum has been prepared outlining the how advice and assistance will be provided by the Borough Council to those preparing a neighbourhood plan. Note that the Borough Council has three distinct roles in relation to neighbourhood planning:

- The first is to undertake numerous formal processes and decisions (such as designating a neighbourhood area or conducting a referendum) in a quasi-judicial manner. In these the Council's preferences are to a large extent irrelevant.
- The second, as local planning authority is to promote and protect the planning interests of the plan area as a whole (which may potentially differ from the preferences of an individual parish). Here the Council's position and judgement is critical.
- The third is to provide advice and assistance to those parish councils and neighbourhood forums preparing neighbourhood plans. It is obliged to do so whether or not it agrees with the content of those plans.

3.2 The new neighbourhood planning requirement in Statements of Community Involvement relates only to the last of these three, but it is thought more helpful for the potential users to integrate this with the formal requirements under the first of them. In the proposed addendum (Appendix 1 to this report) it is the non-bold text in the third column which provides an outline of how the advice and assistance will be provided. It is, of necessity, somewhat indicative.

4 FINANCIAL IMPLICATIONS

4.1 None. Preparation and review of the SCI is part of the wider development plan making responsibilities, and provided for in the agreed Strategic Planning budget.

5 RISK IMPLICATIONS

5.1 None.

6 CONCLUSIONS

6.1 The SCI has been reviewed, as required, and found generally to remain appropriate, but additions to the document are necessary to meet new legislative requirements in relation to neighbourhood planning and data protection. The

amendments are modest changes to the existing document, and reflect existing practice and intentions.

The document will be reviewed again within five years, providing the potential for further adjustments and refinements.

7 RECOMMENDATION

RECOMMENDATION

That the Policy and Resources Committee adopts a revised Statement of Community Involvement comprising:

- a) the existing Statement of Community with following additions:**
 - i. i) Addendum on Neighbourhood Planning advice and assistance;**
and
 - ii. ii) Paragraph explaining how personal data will be treated; and**
- b) delegated authority is provided to the Strategic Planning Manager to make any further minor changes to these required in advance of publication.**

8 APPENDIX

Appendix 1 – Proposed Addendum to Statement of Community Involvement

9 LINK

Current Statement of Community Involvement (March 2014)

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated?

Area for consideration	Comment
Monitoring Officer Consultation:	n/a
Section 151 Officer Consultation:	n/a
Existing Council Policies:	Statement of Community Involvement adopted March 2014.
Financial Implications:	None. (See Section 4)
Legal Implications (including human rights):	The Town & Country Planning (Local Planning (England) (Amendment) Regulations 2017 requires the Council to review the SCI. The Planning & Compulsory Purchase Act, as amended by the Neighbourhood Planning Act 2017 provides the basis for the requirement to

	<p>explain in the SCI how the obligations (under the Localism Act, 2011) to advise and assist those preparing neighbourhood plans.</p> <p>The requirements in relation to personal data arise from the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018.</p>
Risk Implications:	
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a

Appendix 1 – Proposed Addendum to Statement of Community Involvement

The following Table sets out in general terms how the Borough Council will provide advice and assistance to those preparing neighbourhood plans. This is organised under the main stages of neighbourhood planning, and also guides communities through the variety of responsibilities and decision making that will need to be addressed in preparing a plan.

In practice, the types and amount of advice and assistance will depend to a large extent on the wishes of the body preparing the neighbourhood plan, and the issues it faces.

Note that:

1. References below to a parish council should be taken to include a town council or a neighbourhood forums (who can also prepare neighbourhood plans).
2. The Borough Council's will provide advice and assistance, if required, regardless of whether it agrees with the content of the neighbourhood plan.
3. In addition to the provision of advice and assistance, the Borough Council has certain formal statutory responsibilities in processing and deciding on neighbourhood plans (in bold below), and these must be undertaken as set out in legislation. The summaries of those responsibilities below are not intended to be definitive.

Stage	Qualifying Body (Parish/Town Council or Neighbourhood Forum) Suggested Actions (formal stages in bold)	Great Yarmouth Borough Council Advice & Assistance Examples (obligatory formal stages in bold)
<p>Initial consideration: Does your community want to prepare a neighbourhood plan? What does it hope to achieve by doing so?</p>	<ul style="list-style-type: none"> • Weigh up possibilities, potential opportunities, and any potential constraints such as resources, time and monetary costs when preparing a neighbourhood plan • Understand the statutory requirements and constraints for neighbourhood plans. • Have regard to Strategic Policies (such as settlement strategy and housing requirements), and existing/emerging Local Plan(s) and national planning policy • Consider setting up a steering group / neighbourhood forum to lead on the development of the plan 	<p>Attend parish council meeting to provide general outline and advice on neighbourhood plans, and answer questions.</p> <p>Provide in person, by phone or in writing more specific guidance, advice and support. This will likely help with</p> <ul style="list-style-type: none"> • understanding the process of preparing a plan, ‘what happens next?’, and central government funding opportunities. • what neighbourhood plans, can, can’t and must do. • how the Borough’s Strategic Policies might affect the approach to the neighbourhood plan • what evidence is, and isn’t, required to support the proposals, • providing contacts for advice and information from others who have prepared neighbourhood plans.
<p>Designation of Neighbourhood Area (and Forum if required)</p>	<ul style="list-style-type: none"> • Decide upon an appropriate area for the plan (usually, but not always the whole parish area) • Apply to the Council with a map and justification of the area 	<p>The Borough Council can provide a map (subject to being signed up to the Public Sector Mapping Agreement), and will decide if the area is appropriate and designate it as soon as possible (this may require the Council to consult).</p>

Stage	Qualifying Body (Parish/Town Council or Neighbourhood Forum) Suggested Actions (formal stages in bold)	Great Yarmouth Borough Council Advice & Assistance Examples (obligatory formal stages in bold)
Develop plan's aims and policies	<ul style="list-style-type: none"> Consider and develop main aims (focus) of the plan Draft clear policies If allocating sites – carry out an appraisal against identified criteria, demonstrate what alternative sites have been considered Consult the community Constructively engage with the Council 	The Borough Council will provide assistance if required (including mapping assistance, subject to resources). It is good practice at this stage to share plan proposals, but more generally to regularly engage with the Council, which can assist in: considering draft policies, where possible supporting evidence in making site allocations, and providing advice in meeting the 'basic conditions', and identifying issues which may cause problems later in the process
Consider environmental effects - Prepare Strategic Environmental Assessment (SEA) Screening Report & Habitat Regulations Assessment (HRA) screening	<ul style="list-style-type: none"> Consider whether the plan may have significant environmental effects Consider using a Sustainability Appraisal to assess sites (if you are seeking to allocate sites) Consider whether the plan may have significant effects on internationally protected species and/or habitat sites [Note that if there are potential effects – suitably qualified consultants may be needed to carry out a full 'HRA' assessment] 	The Borough Council will advise on these important but complex processes.
Pre-submission consultation	<ul style="list-style-type: none"> Undertake a six week pre-submission public consultation on the draft plan options (including SEA/HRA Report – if they are required) Also provide any necessary supporting documents such as a Consultation Statement explaining what is being consulted (and what the next steps are). 	The Borough Council can provide guidance on who needs to be consulted, and could potentially host the consultation on its website.

Stage	Qualifying Body (Parish/Town Council or Neighbourhood Forum) Suggested Actions (formal stages in bold)	Great Yarmouth Borough Council Advice & Assistance Examples (obligatory formal stages in bold)
Revising the pre-submission plan	<ul style="list-style-type: none"> Consider making amendments to the plan based on comments received at consultation Produce a representations report setting out how comments have been taken into consideration 	The Borough Council can provide advice, if required.
Optional independent 'health check' of the plan	<p>Following pre-submission consultation and amendments, the Borough Council strongly recommends that the draft plan is submitted for a 'health check' to be reviewed by an independent examiner. Those who have done this and successfully progressed their plans to adoption have found this very useful, and time saving in the long run. (It is much better to find out any problems at this stage, rather than later.) The key focus of the review is considering whether the plan has met the 'Basic conditions' and other legislative requirements, and therefore whether the plan is likely to have difficulties in the formal examination. This enables the parish council to address any concerns before the plan is formally submitted for examination, at which point it is largely out of the hands of the parish council and any changes must be decided by the Borough Council in the light of the advice of the Examiner.</p> <ul style="list-style-type: none"> The cost of a health check review depends on the scope of the plan, but is typically approx. £1,000. 	If the parish council is willing to submit the plan to an independent 'health check' review jointly with the Borough Council, the Borough Council will consider contributing to the cost of the review, and organise the review using the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).

Stage	Qualifying Body (Parish/Town Council or Neighbourhood Forum) Suggested Actions (formal stages in bold)	Great Yarmouth Borough Council Advice & Assistance Examples (obligatory formal stages in bold)
Further revisions to draft plan	Following an independent 'health check' – further amendments may be recommended to the plan prior to its submission (which should help it to progress through examination).	The Borough Council can provide support if required.
Submitting the plan to the Council	<p>Submit neighbourhood plan once content with the finalised document, with or including:</p> <ul style="list-style-type: none"> • Map of neighbourhood plan area • Consultation Statement – setting out details of consultation and how they were considered • Statement setting out how the plan meets legislation (in particular, the Basic Conditions) • Environmental Report (screening or full report). <p>Optional supporting documents could include:</p> <ul style="list-style-type: none"> • Sustainability Appraisal • Viability Assessment 	The Borough Council will check that all relevant documents have been submitted and the legislative requirements have been adequately met to publish the plan and commence a six week consultation (to be held by the Council).
Independent examination	An independent examiner will conduct the examination of the plan usually with written representation and potential site visits. There is also the potential that a meeting/hearing may be required.	<p>The Borough Council will:</p> <ul style="list-style-type: none"> • consult the neighbourhood plan body on the choice of examiner • appoint the Examiner • Receive the examiner's report

Stage	Qualifying Body (Parish/Town Council or Neighbourhood Forum) Suggested Actions (formal stages in bold)	Great Yarmouth Borough Council Advice & Assistance Examples (obligatory formal stages in bold)
Examiner's recommendations	<p>The parish council will receive a copy of the Examiner's Report.</p> <p>This can recommend that plan –</p> <ul style="list-style-type: none"> • Can proceed unchanged to a referendum; or • (most likely) Can proceed to a referendum if it is first amended by the Borough Council to address any problems; or • Should not proceed to a referendum 	<p>The Borough Council will consider the Examiner's conclusions and decide whether the legislative requirements require any amendments to be made to the plan, and whether it can (then) proceed to a referendum.</p>
Referendum	<p>Receive referendum results.</p>	<p>The Borough Council will hold the referendum (with at least 28 days' notice prior to it taking place).</p>
Adoption	<p>Receive notice when the neighbourhood plan 'comes into force' – forming part of the Development Plan</p>	<ul style="list-style-type: none"> • Upon a 'yes' vote in the referendum, the Borough Council will adopt the neighbourhood plan • A neighbourhood plan in force will form part of the Development Plan – and will be used to guide and support planning applications and decisions.