

<b>Report to:</b>	<b>Eastbourne Borough Council</b>
<b>Date:</b>	20 February 2019
<b>Title:</b>	Statement of Community Involvement
<b>Report of:</b>	Director of Regeneration and Planning
<b>Ward(s):</b>	All
<b>Purpose of report:</b>	To formally adopt the Eastbourne Statement of Community Involvement following public consultation on revisions required by the Neighbourhood Planning Act 2017.
<b>Officer recommendation(s):</b>	<b>(1) That the Statement of Community Involvement as set out in Appendix 1 be adopted by Full Council.</b>
<b>Reasons for recommendations:</b>	The Council's previous SCI needed to be updated as a result of changes in legislation; and the adoption of a revised SCI, which has been subject to public consultation, is a function of Full Council.
<b>Contact Officer(s):</b>	<b>Name:</b> Gerda Zijm <b>Post title:</b> Planning Policy Officer <b>E-mail:</b> Gerda.zijm@lewes-eastbourne.gov.uk <b>Telephone number:</b> 01273-085870

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## **1 Introduction**

- 1.1 A Statement of Community Involvement (SCI) sets out the Council's approach to consulting the local community and other stakeholders on planning matters within the local planning authority boundary.
- 1.2 The Council's existing SCI was adopted on 19 July 2017; however a revision is required to take into account the changes in legislation as a result of the introduction of the Neighbourhood Planning Act 2017. Consultation on the revised SCI was authorised by Cabinet on 24<sup>th</sup> October 2018 (see Appendix 3 - Minute Extract) and carried out between 26<sup>th</sup> October and 21<sup>st</sup> December 2018.
- 1.3 Following consultation, the revised SCI needs to be re-adopted ahead of consultation on the new Eastbourne Local Plan, which is scheduled in the Local Development Scheme to take place in autumn 2019. Adoption of the SCI is a function for Full Council.

## **2 Background**

- 2.1 The Planning & Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement (SCI), which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. It is a legal requirement that any consultation on Local Plans is undertaken in accordance with the adopted SCI.
- 2.2 The Localism Act 2011 introduced the concept of 'neighbourhood planning', which gives local communities the ability to prepare their own neighbourhood plans to shape development within their neighbourhood and devised their own planning policies. Once they have been adopted, the neighbourhood plans have the same status as the Council's Local Plan. Neighbourhood planning is not a legal requirement but a right which communities can choose to use.
- 2.3 Within urban boroughs such as Eastbourne, neighbourhood planning can only be undertaken by a neighbourhood forum. The neighbourhood forum and the designated area that they would like to plan for must be first approved by Eastbourne Borough Council. Currently, there are no designated neighbourhood areas within Eastbourne.
- 2.4 The Neighbourhood Planning Act 2017 amended the Planning & Compulsory Purchase Act 2004 to require that a Council's Statement of Community Involvement must set out the local planning authority's policies for giving advice or assistance on proposals for making of neighbourhood development orders and on proposals for modification of neighbourhood development plans. This applies regardless of whether or not a neighbourhood area has been designated within the local authority. The proposed revisions to the SCI mainly relate to this legislative requirement.

## **3 Revisions to the SCI**

- 3.1 The revisions to the SCI principally relate to the Council's approach and procedures in relation to assisting the community with Neighbourhood Planning. The changes were focused on strengthening the procedures for supporting Neighbourhood Planning in Eastbourne.
- 3.2 The revisions to the SCI with regard to Neighbourhood Planning are limited to three areas: the responsibilities of the Council; assistance and advice from the Council; and consultation methods in neighbourhood planning.

### 3.3 The responsibilities of the Council

3.3.1 The Localism Act 2011, Neighbourhood Planning Act 2017 and other relevant legislation set out the Council's responsibilities with regard to neighbourhood planning. All the Council's responsibilities in relation to the designation of a neighbourhood area/forum, arranging for covering costs, determining and advising as to whether all basic conditions are met and providing information are set out in accordance with this legal requirement, including the responsibility to giving advice and assistance to groups engaged in or seeking to engage in Neighbourhood Planning.

### 3.4 Assistance and advice of the Council

3.4.1 The SCI sets out the possible methods that the Council could use to support neighbourhood planning. This includes:

- on-going advice with a focus on the conformity of the Neighbourhood Plan/Order with the existing national and local planning framework,
- assistance in timetabling, consultation events, site selection and relevant legislation,
- providing examples,
- practical assistance

### 3.5 Consultation methods in Neighbourhood Planning

3.5.1 Neighbourhood forums will decide how they want to involve their communities in the preparation of their neighbourhood plans. Although the SCI cannot prescribe the consultation methods for a neighbourhood forum, it does suggest a wide range of consultation methods that could be used.

### 3.6 Other amendments

3.6.1 In addition to the inclusion of Neighbourhood Planning related information, some minor amendments have been proposed:

- The reference to data protection legislation has been updated, required by the adoption of the General Data Protection Regulation, brought into force in 2018.
- The reference to the NPPF has been updated as a revised NPPF was published in July 2018.
- The reference to neighbourhood planning in the Localism Act 2011 was included.
- The insertion of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 states a review must be completed

every five years starting from the date of adoption of the SCI. As such, the 'Monitoring and Review' section of the document has been amended to reflect this.

## **4 Statement of Consultation**

- 4.1 The Draft Revised SCI was published for public consultation between 26 October and 21 December 2018. This resulted in 6 representations from 6 respondents, and these are detailed in Appendix 2.
- 4.2 Representations were received from Natural England, Southern Water, Pevensey and Cuckmere Water Level Management Board, Historic England, Sussex Ramblers and Highways England.
- 4.3 Four of the representations acknowledged the consultation by confirmed that they had not comments to make. The Pevensey and Cuckmere Water Level Management Board requested that they be notified of future consultation, and so have been added to the mailing list. Sussex Ramblers made comments relating to what neighbourhood plans should contain, which is outside the scope of the SCI and therefore not relevant to this consultation.
- 4.4 None of the representations received commented on the content of the SCI, and as such, it is not proposed that any changes be made to the SCI as a result of the consultation.

## **5 Corporate plan and Council policies**

- 5.1 EBC Corporate Plan firmly supports the importance of community involvement. Working together with other authorities, organisations and the residents is viewed as a fundamental necessity for achieving the goals.
- 5.2 Although neighbourhood planning in Eastbourne is yet to be taken up by the community, the Council should be proactive in providing information to communities. By amending the SCI to update the commitment to support the community to get involved with planning, the Council is taking another step towards making neighbourhood planning more accessible to the community.

## **6 Financial appraisal**

- 6.1 There are not considered to be any financial implications for the General Fund base budget and Finance have no comments to make on the proposal. Financial resources will be taken into consideration when determining the specific approach to consultation on a planning policy document.

## **7 Legal implications**

- 7.1 The production of the new Eastbourne Local Plan is required to be produced in conformity with an adopted SCI. The requirements of the Neighbourhood Planning Act 2017 as they relate to Statements of Community Involvement came into force on 31<sup>st</sup> July 2018 , which means that the current SCI is not up to date. Any delays in the adoption of the revised SCI could impact on the timetable for the production of the new Eastbourne Local Plan..
- 7.2 The Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018 brings into force changes required to be made to SCIs prescribed by the Neighbourhood Planning Act 2017 (namely Sections 6 and 13 of the Act, which amend Section 18 of the Planning and Compulsory Purchase Act 2004).
- 7.3 Regulation 12 of the Town & Country Planning (Local Planning) (England) Regulations 2012 requires that before the SCI is adopted, a statement setting out details of those consulted when preparing the SCI, together with a summary of the main issues raised, must be prepared. This statement is provided as Appendix 2. Legal Implications Provided 05.09.2018 007622-EBC-HM

## **8 Risk management implications**

- 8.1 The production of the new Eastbourne Local Plan is required to be produced in conformity with an adopted SCI. The requirements of the Neighbourhood Planning Act 2017 as they relate to Statements of Community Involvement came into force on 31<sup>st</sup> July 2018 , which means that the current SCI is not up to date. Any delays in the adoption of the revised SCI could impact on the timetable for the production of the new Eastbourne Local Plan.

## **9 Equality analysis**

- 9.1 The SCI pays much attention to facilitating equal access to participation in local planning decisions. Using information gathered from surveys and public consultation, the SCI presents a wide range of methods that can be used to engage the community, including groups with protected characteristics.
- 9.2 The Equality and Fairness analysis states that the amendments made to the SCI are focused on strengthening the procedures for Neighbourhood Planning in Eastbourne. It is not considered that the revisions will have an impact on any groups with protected characteristics.
- 9.3 To increase the awareness of groups with possible limited access or groups with protected characteristics, the Council will be more proactive in the first

stages of neighbourhood planning as well as in all consultations. Following the completion of a public consultation, a Statement of Consultation will be produced and appropriate adjustments will be made to the draft document, where necessary.

## **10 Appendices**

- Appendix 1 - Revised Statement of Community Involvement
- Appendix 2 - Statement of Consultation
- Appendix 3 – Minute Extract, Cabinet meeting 24 October 2018

## **11 Background papers**

The background papers used in compiling this report were as follows:

- Eastbourne Statement of Community Involvement (2017) EBC SCI 2017  
<https://www.lewes-eastbourne.gov.uk/planning-policy/statement-of-community-involvement/?assetdet6489524d-f1f5-4d4c-8362-fee79affbb2a=262416>
- The Equality and Fairness Analysis for SCI (2018)

To inspect or obtain copies of the background papers, please refer to the contact officer listed above.