

14 July 2020

Report of	Assistant Director: Place and Client	Author	Laura Chase
Title	Statement of Community Involvement – Coronavirus update		
Wards affected	All		

1. Executive Summary

- 1.1 This report reflects the need to revise planning related public access and involvement procedures contained in the Council's Statement of Community Involvement (SCI) in the light of Government guidance on coronavirus implications. It is intended to publish a covering update note initially as set out in Appendix 1 with the changes incorporated into the document in due course.

2. Recommended Decision

- 2.1 To agree the revisions made to the Statement of Community Involvement as shown in Appendix One to reflect the specific requirements arising from national guidance and procedures on dealing with coronavirus implications.
- 2.2 To publish the updated Statement of Community Involvement on the Council's website.
- 2.3 To delegate to the Lead Officer: Planning, Housing & Economic Growth authority to make changes to the SCI if circumstances change to allow plan making and decision making to continue.

3. Reason for Recommended Decision

- 3.1 To ensure Council procedures on planning and community involvement are modified to align with current Government guidance.

4. Alternative Options

- 4.1 The Committee could decide not to update the Statement of Community Involvement, but this would conflict with the latest national regulations on coronavirus implications and may undermine plan making and decision making in the borough.

5. Background Information

- 5.1 A Statement of Community Involvement (SCI) is a document required by Section 18 of the Planning and Compulsory Purchase Act 2004 which sets out what consultation will take place with the community on planning policy documents and planning applications.
- 5.2 The Council approved the latest version of the Colchester SCI on the 13 September 2018. It is available on the [Council website](#). The 2018 update included information on Neighbourhood Planning compliant with regulations under the Neighbourhood Planning Act 2017 and also included minor amendments on community involvement for the development management process.

5.4 The Government has been aware that its latest guidance on measures required to address Covid-19, has implications for the ability of authorities to comply with policies set out in their SCIs. The Government has addressed the need to modify consultation requirements for an interim period in the Flexibility of Local Authority Meeting Regulations 2020 and in modifications to Planning Policy Guidance (published 13 May 2020). In recognition of social distancing requirements and the current need to limit public access to public buildings, new Government guidance removes the requirement to provide for the availability of hard copies of documents in council offices and libraries. This is line with the Government's wish to increase the use of electronic alternatives to help speed up the planning system. Site notice requirements remain, but local authorities are given more discretion to use alternative electronic means to ensure relevant parties are notified.

5.5 The revised Plan Making PPG states at paragraph 77:

Where any of the policies in the Statement of Community Involvement cannot be complied with due to current guidance to help combat the spread of coronavirus (COVID-19), the local planning authority is encouraged to undertake an immediate review and update the policies where necessary so that plan-making can continue.

More specifically in relation to SCIs, the Plan Making PPG states at paragraph 78:

There is no requirement in legislation for local planning authorities to consult when reviewing and updating their Statement of Community Involvement, although it is good practice for authorities to inform the public of their intentions to update this document and of the changes that have been made. It is also good practice to make clear that the changes are only temporary whilst restrictions relating to COVID-19 are in place.

5.5 The SCI as currently written allows the Council to make changes to it in response to new requirements: Paragraph 10.1 provides that *the SCI provides flexibility to allow for appropriate changes in our approach to community involvement. Comments received on the quality or effectiveness of our consultation will be considered and used to inform future practice. If significant changes are required to meet new circumstances or legislation, a review of the Statement of Community Involvement will be undertaken.*

5.6 Given these considerations, the Council has now published a covering table at the front of the SCI highlighting changes to the document covering the following points (Attached as Appendix 1):

- 1) **Availability of hard copies of adopted documents and committee reports:** The SCI currently contains several references noting that consultation documents and committee reports will, in addition to online, be available as hard copies at the Council offices and libraries (Table following paragraphs 3.7 Development Plan Documents and 4.9 Neighbourhood Plans; 8.3 Committee Reports, 7.17 Customer Service Centre).

The update table at the front of the SCI highlights that documents will now be published on the website, and that hard copies of Planning Policy documents will be available whenever possible and in the most accessible location.

Colchester Library is due to reopen on the 6th July 2020 and will be used to hold hard copies of documents. Further libraries within the Borough are expected to reopen from 14th July and may be more appropriate to use, along with other publicly accessible buildings, particularly for Neighbourhood Plans. The Council is working to expand its range of consultation methods to incorporate both the latest innovations in the use of social media and options for reaching those without access to the internet.

It may be the case that public buildings are closed again in future and if that situation arises, Officers will seek to provide hard copies on request. This maybe on a loan basis to avoid unnecessary printing.

Whilst no face to face events are proposed during this time, officers will remain available via phone, email and virtual meeting to discuss any consultation with local residents and interested groups.

- 2) **Public speaking arrangements for committees:** Arrangements for public speaking at committees outlined in Para 8.4 of the SCI have been affected by changes to procedures arising from the introduction of virtual meetings. The update table refers to the revised public comment arrangements detailed in the 'Public Participation at all Public Meetings' section of the Council's Remote Meetings Procedure Rules for the 2020/21 Municipal Year. These measures continue to be monitored and reviewed; these will be updated accordingly. Measures for Local Plan Committee and Planning Committee may vary to other Council meetings.

The Have Your Say! Process for Planning Committee is as follows:

- Members of the public may submit written questions/statements by 12 noon the working day before the meeting date. In addition to the questions/statement the following information is required: name, email address, application number and site location.
- Questions/statements should be confined to material planning issues which may be taken into consideration in reaching a decision.
- One objector and one supporter will be able to make representations on each application. In circumstances when more than one person wishes to make representation either in opposition or support; the Chairman will decide which one representation will be permitted in accordance with the following criteria:
 - Is the representation made on behalf of a wider group (i.e. Parish Council or Residents Group);
 - Proximity of the person making the representation to the application site;
 - The timing of the submission.
- If you are appointed to speak you will receive an email confirmation including instructions on how to join the meeting.
- The chairman will announce the names of those wishing to make representations to the Committee members.
- A three minute period (equates to 500 words) is allowed for members of the public to ask a question or make a statement by audio or video link. Once the time has elapsed, the person will be required to leave the meeting. The remainder of the meeting can be observed online.
- Visiting Councillors will be allowed a five minute period to speak.
- The Chairman has discretion to disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.

The Have Your Say! Process for Local Plan Committee is as follows:

- Members of the public wishing to make representations will need to register by 12 noon the working day before the meeting date with their name, email address, and whether the representation is a general matter or related to an item of business.
- People indicating that they want to speak will receive an email to confirm whether they will be able to and instructions of how to join the meeting.
- All speakers will be heard at the start of the meeting;

- Each speaker is limited to 3 minutes (500 words maximum) with one submission per meeting;
- The Have Your Say! Portion of the meeting will be limited to 30 minutes (10 speakers) per meeting;
- Visiting Councillors can speak in addition to this allocation, limited to 5 minutes each per meeting.

More information is available on the Councils website - [Have Your Say!](#)

3) Neighbourhood Plans: The update page notes that the Council continues to provide support to Neighbourhood Plan groups. They, along with the Council, will need to broaden their consultation methods in response to Covid-19 and the increasing use of digital methods. In particular, consultation on the Tiptree Neighbourhood Plan has been affected by the Covid-19 crisis. Consultation on their publication Neighbourhood Plan had commenced for a six-week period from 20 April to 1 June 2020. This consultation, however, was withdrawn in light of the need to revisit consultation methods which could not involve provision of hard copies. While hard copy requirements have now been modified, Colchester Council and the Neighbourhood Plan group are ensuring best practice is followed in consultation methods. The Tiptree Neighbourhood Plan consultation has now recommenced for a seven week period from 22 June to 10 August 2020, allowing additional time for postal notifications of the consultation to arrive to all residents and businesses within the Tiptree parish.

4) Site Notices and Visits: The update includes the current process for site notices and site visits. This will require a greater level of cooperation with applicants in order to ensure site notices are publicised where required and site photographs are provided. Although it is outlined that this process will continue to be reviewed as risk levels change.

5) Planning Appeals: The update refers to alternative digital and written means being developed to progress planning appeals. The Planning Inspectorate did pause hearings and public inquiries and as a result there have been some delays and changes to procedures. They are still postponing physical hearings and inquiries but are seeking to run inquiries and hearings in a virtual manner where possible.

6) Public meetings: The SCI does not contain a specific commitment to any form of public meetings but does encourage developers to host pre-application consultation events and notes the Council's willingness to participate as required in Parish and Town Councils. The update page notes that no physical public meetings are being held at the moment, that information is available online and where invited to virtual meetings using web based technology the Council will participate where necessary and possible. For example, a virtual meeting has been held with Tiptree Parish Council in relation to the Neighbourhood Plan.

- 5.7 The SCI will be kept under review and modified as required to take account of both the latest health and safety requirements and adoption of new consultation methods. It may be necessary to revise the SCI at short notice, but any changes will be brought to the first available Local Plan Committee following such changes to enable scrutiny and review.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:- <http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>

7. Strategic Plan References

- 7.1 The Council's Strategic Plan 2018 – 2021 includes a key priority concerning Responsibility. The Statement of Community Involvement provides an opportunity under this theme for residents to get involved in their communities through the planning process.

8. Consultation and Publicity

- 8.1 The required updating to the SCI is being publicised via this report and on-line publication in line with Government advice that while there is no requirement to have a formal consultation on the SCI, *'it is good practice for authorities to inform the public of their intentions to update this document and of the changes that have been made'*.

9. Financial implications

- 9.1 There are no financial implications for the Council

10. Community Safety Implications

- 10.1 There are no community safety implications for the Council.

11. Health and Safety Implications

- 11.1 There are no health and safety implications for the Council.

12. Risk Management Implications

- 12.1 Adopting the Statement of Community Involvement will reduce the risk of the Council failing to adhere to the most recent regulations.

Appendices

Appendix One: Statement of Community Involvement Update sheet

Appendix One

Colchester Local Plan Statement of Community Involvement (SCI) July 2020 Update

This Statement of Community Involvement sets out Colchester Borough Council's strategy for effective community participation in planning matters. Please note that due to the Coronavirus outbreak, the Council may not be able to follow all of the commitments set out in this document. The Council is committed to keeping essential services running, but the way we deliver some services has changed. This is to protect our community and staff from unnecessary travel and social contact, in line with Government advice and guidance. The table below sets out key commitments in this document where the way we provide our service has changed. These changes are temporary although it is unknown how long these changes will apply.

We will continue to monitor the situation and will update this document as required. For further information about how Council services are affected, please visit our website at <https://www.colchester.gov.uk/coronavirus/residents/planning-services-changes/>

For further information regarding guidance on changes that have been introduced to certain publicity requirements in response to the Coronavirus pandemic; please see paragraphs 035 to 052 of Consultation and Pre-decision Matters - Planning Practice Guidance (PPG) which has been updated on 13 May 2020.

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

Paragraph	Existing Commitment	Current Service
3.7 (Development Plan Documents), 4.9 (Neighbourhood Plans), 8.3 (Committee Reports) 7.17 (Access to Customer Service Centre and its terminals)	Availability of hard copies of adopted documents and planning applications	<p>Hard copies of Planning Policy documents will be available whenever possible and in the most accessible location.</p> <p>As of 6 July 2020, hard copies of the Local Plan and other Planning Documents will be available in the main Colchester library, further to our commitment on this point in the Council's Statement of Community Involvement.</p> <p>As more libraries across the Borough are expected to reopen from 14 July 2020, it may be appropriate for these and other publicly accessible buildings to hold hard copies of documents, particularly for Neighbourhood Plans.</p> <p>It may be the case that public buildings are closed again in future and if that situation arises, Officers will seek to provide hard copies on request. This maybe on a loan basis to avoid unnecessary printing.</p> <p>In any event, documents will continue to be available on the Council's website.</p> <p>Council planning documents are available online at https://www.colchester.gov.uk/planning/.</p> <p>Information on planning applications can be viewed at: https://www.colchester.gov.uk/planning-search/</p>

Paragraph	Existing Commitment	Current Service
		Specific enquiries can be made to the planning services e-mail address Planning.Services@colchester.gov.uk .
4.12	Neighbourhood Plans	<p>We are continuing to provide support for Neighbourhood Plan groups. Consultation methods for Neighbourhood Plans are currently being revisited to develop alternatives to providing hard copies of documents and ensuring all those without internet access are informed of the consultation. Consultation methods are likely to require a blend of online and more traditional methods such as writing to the community.</p> <p>More information on Neighbourhood Plans in the Borough is available on the Council's website: https://www.colchester.gov.uk/info/cbc-article/?catid=neighbourhood-planning&id=KA-01416</p> <p>The Government has also updated its guidance regarding Neighbourhood Plans, at Paragraph 107 on this page: https://www.gov.uk/guidance/neighbourhood-planning-2?utm_source=59bd2d28-4ebd-4761-af20-742d84865702&utm_medium=email&utm_campaign=g</p>
7.14 and 7.19	Site Notices and Site Visits	<p>Officers are now undertaking site visits providing safe social distancing can be ensured. This may include low-risk outdoor areas accessed from open areas. This will continue to be monitored and updated in response to any change in risk level (either increased or decreased).</p> <p>It has been particularly helpful when applicants and agents have been able to submit photographic surveys of application sites and buildings to support planning and listed building applications. We will continue to request this sort of information about sites to enable us to process applications as efficiently as possible.</p> <p>There are certain categories of applications where a site notice is obligatory to avoid invalidating any decision.</p> <p>We may need the help of applicants/agents to print a site notice which will be sent via email and to post the notice(s) prominently in a publicly accessible location. We will ask for a photograph of the site notice in situ to be sent via email for our records.</p> <p>Our validation team will contact you with any such requests and the response should be provided via email.</p>
7.23 and 7.24	Public meetings, Parish and Town Councils	We are not currently holding or attending any face-to-face meetings. Where meetings are being held virtually using web-based technology, the Council will endeavour to participate in such meetings where invited subject to other commitments.

Paragraph	Existing Commitment	Current Service
		<p>All documents can be viewed online at: https://www.colchester.gov.uk/info/category/?id=planning-policy</p> <p>Information on planning applications can be viewed at: https://www.colchester.gov.uk/planning-search/</p>
8.3 and 8.4	Council Committees and public speaking	<p>The Council is now conducting virtual meetings using web-based technology. These are likely to operate until May 2021 unless the regulations are extended.</p> <p>The detailed arrangements listed in the 'Public Participation at all Public Meetings' section of the 'Remote Meetings Procedure Rules' will be followed to allow public participation to occur.</p> <p>These measures continue to be monitored and reviewed; these will be updated accordingly. Measures for Local Plan Committee and Planning Committee may vary to other Council meetings.</p> <p>The Have Your Say! Process for Planning Committee is as follows:</p> <ul style="list-style-type: none"> • Members of the public may submit written questions/statements by 12 noon the working day before the meeting date. In addition to the questions/statement the following information is required: name, email address, application number and site location. • Questions/statements should be confined to material planning issues which may be taken into consideration in reaching a decision. • One objector and one supporter will be able to make representations on each application. In circumstances when more than one person wishes to make representation either in opposition or support; the Chairman will decide which one representation will be permitted in accordance with the following criteria: <ul style="list-style-type: none"> ○ Is the representation made on behalf of a wider group (i.e. Parish Council or Residents Group); ○ Proximity of the person making the representation to the application site; ○ The timing of the submission. • If you are appointed to speak you will receive an email confirmation including instructions on how to join the meeting. • The chairman will announce the names of those wishing to make representations to the Committee members. • A three minute period (equates to 500 words) is allowed for members of the public to ask a question or make a statement by audio or video link. Once the time has

Paragraph	Existing Commitment	Current Service
		<p>elapsed, the person will be required to leave the meeting. The remainder of the meeting can be observed online.</p> <ul style="list-style-type: none"> • Visiting Councillors will be allowed a five minute period to speak. • The Chairman has discretion to disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable. <p>The Have Your Say! Process for Local Plan Committee is as follows:</p> <ul style="list-style-type: none"> • Members of the public wishing to make representations will need to register by 12 noon the working day before the meeting date with their name, email address, and whether the representation is a general matter or related to an item of business. • People indicating that they want to speak will receive an email to confirm whether they will be able to and instructions of how to join the meeting. • All speakers will have their say at the start of the meeting; <ul style="list-style-type: none"> • Each speaker is limited to 3 minutes (500 words maximum) with one submission per meeting. • The Have Your Say! Portion of the meeting will be limited to 30 minutes (10 speakers) per meeting; • Visiting Councillors can speak in addition to this allocation, limited to 5 minutes each per meeting. <p>More information is available on the Councils website - Have Your Say!</p>
9.1	Planning Appeals	<p>The Planning Inspectorate is developing alternative digital and written means for carrying out hearings and inquiries to allow appeal casework to progress.</p> <p>The Council will work with the Inspectorate to keep as much appeal casework going as is possible with the current restrictions.</p> <p>Details from the Planning Inspectorate of how specific planning appeals are to be carried out will be available on the Council's website under the specific planning application. https://www.colchester.gov.uk/planning-search/</p> <p>The Planning Inspectorate are continuing to update their guidance. For more information visit: https://www.gov.uk/guidance/coronavirus-covid-19-planning-inspectorate-guidance</p>