

## PLANNING COMMITTEE– 25 JUNE 2013

### STATEMENT OF COMMUNITY INVOLVEMENT REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

### WARDS AFFECTED: ALL WARDS

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#### 1. PURPOSE OF REPORT

- 1.1 To seek Members' comments on proposals to amend Section 6 ('Planning Applications') of the Council's adopted Statement of Community Interest prior to their submission to Full Council.

#### 2. RECOMMENDATION

- 2.1 Members comment on the proposed amendments and refer the proposals to Full Council with a recommendation that appropriate consultation, as outlined in the body of the report, be undertaken.

#### 3. BACKGROUND TO THE REPORT

- 3.1 The Hinckley and Bosworth Statement of Community Involvement ("SCI") was adopted in November 2006. It forms part of the Local Development Framework and sets out how the Borough Council will engage and consult on the plan-making process.
- 3.2 Since the adoption of the SCI in 2006, the Town and Country Planning (Development Management Procedure) Order 2010 ("the Regulations") has come into force and the current position is that the procedures to be followed under the provisions of the SCI exceed those required in the Regulations and the SCI imposes a significant additional burden on the Council's planning decision-making process on top of that required by the Regulations.
- 3.3 The amendments proposed in the annex to the report are intended to bring the SCI provisions in line with the requirements of the Regulations.

#### 4. FINANCIAL IMPLICATIONS [KB]

This is a procedural change and as such there are no specific financial implications to consider.

#### 5. LEGAL IMPLICATIONS [MR]

- 5.1 The Planning and Compulsory Purchase Act 2004 provides that a SCI is a local development document but is not to be specified as such in the local development scheme ("LDS") An SCI is not therefore subject to independent examination as if it were part of the LDS. More particularly, the SCI is not treated as part of the Local Plan so there is no requirement to consult under Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Nor is the SCI subject to consultation under the public participation provisions relating to supplementary planning documents.
- 5.2 If Full Council is minded to amend the SCI it will need to give notice to the

public and to statutory consultees of its intention to do so, publish, and consult on, its proposed amendments to the document (giving the public adequate time to respond), take account of any representations that it receives, and formally adopt an amended SCI.

- 5.3 The Council's Constitution at paragraph 3 on page 38 does not provide for any delegation of a decision to amend the SCI but acknowledges that the proposed amendments will be considered first by the Planning Committee. The recommendation reflects the constitutional position and requests that the Planning Committee should consider the proposed amendments and comment on them to Full Council.

6. **CORPORATE PLAN IMPLICATIONS**

7. **CONSULTATION**

- 7.1 The planning department will consult on the amendments with statutory consultees and relevant stakeholders on the Planning Policy database.

8. **RISK IMPLICATIONS**

- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Judicial Review – failure to comply with consultation requirements contained in Part 6 of document	Limit detail contained in part 6 to ensure that it is not too prescribed to future proof the document from changes nationally.	Tracy Miller

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

The Statement of Community Involvement will continue to provide a framework for how the Borough Council will engage and encourage community participation from communities across the Borough.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications

- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

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Background papers: Hinckley and Bosworth Statement of Community Involvement  
2006 (Attached)

Contact Officer: Cathy Horton, Ext 5605  
Executive Member: Stuart Bray

## 6.0 Planning Applications

The Borough Council deals with approximately 1,500 planning applications each year, ranging from householder and minor applications, where people are extending their homes or businesses, to major applications where developers propose new housing, employment or retail developments. This section explains how these applications are dealt with and outlines the Borough Council's consultation arrangements.

Most planning applications are determined by delegated powers, however major applications and those that are particularly controversial are presented to the Borough Council's Planning Committee and elected Members decide on the basis of the Local Plan which is the legal basis for all decisions unless other considerations can be shown to override these policies.

The following steps show how the Borough Council deals with planning applications:

### Step 1: Submit an application

Application forms and guidance notes are available on the Planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk) via the Council's Website [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk).

Applications should be submitted with the necessary documents required by the guidance.

### Step 2: Decision Making Process

The Borough Council endeavours to meet the Government's targets. During this period the planning team will undertake the following process:

#### Validation

This process is aligned with the latest guidance on information requirements and validation and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 or any Order re-enacting or revoking that Order.

#### Consultation

This process will be carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 or any Order re-enacting or revoking that Order.

#### Site Visit

A site visit assists in the assessment of the proposal. Under the provisions of the Town and Country Planning Act (Section 196A) officers have a right of access to the site.

#### Consideration of comments

Officers will consider comments received in respect of a planning application. Only material planning considerations can be taken into account in the determination of a planning application. Guidance on material considerations can be found on the Planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

Recommendation under delegated powers or to Planning Committee Officers will consider whether the proposals are acceptable in planning terms i.e whether it complies with planning policy or there are other material considerations that override that policy.

A decision may be made either by Planning Committee or by delegated powers. The Council's Constitution sets out the criteria for decision making.

Decision Notice

A decision notice will be sent out to the applicant/agent. The decision notice can be viewed on the Borough Council's website.