

**Maidstone Statement of Community Involvement Covid-19  
Temporary Addendum May 2020**

<b>Final Decision-Maker</b>	Strategic Planning and Infrastructure Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Anna Ironmonger, Planning Officer, Strategic Planning and Helen Smith, Principal Planning Officer, Strategic Planning
<b>Classification</b>	Public
<b>Wards affected</b>	All wards

**Executive Summary**

The Council is required under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Statement of Community Involvement. The Statement of Community Involvement 2018 (SCI) is a Local Plan document that outlines when and how stakeholders and the local community can get involved in the planning system (see background document 1). The SCI can be found as a background document to this report. The local plan and neighbourhood planning process rely on people being able to inspect copies of key documents. Due to the Covid-19 pandemic new legislation and guidance has been issued by the government (Background documents 2 and 3). The new legislation and guidance will have an impact on how people will be able to engage in the planning system. Notably the use of public space to hold hearings or to view consultation material. It is proposed to make temporary alterations to the Statement of Community Involvement to address the situation in the form of an addendum. The Maidstone Statement of Community Involvement Covid-19 Addendum May 2020 (The Addendum) can be found at Appendix 1.

**Purpose of Report**

Decision

**This report makes the following recommendations to this Committee:**

1. The Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020 is approved for immediate publication; and
2. Any further SCI 2018 amendments related specifically to Covid-19 can be approved by the Head of Planning and Development under his Constitutional delegated authority.

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Strategic Planning and Infrastructure	9 <sup>th</sup> June 2020

# Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. The Statement of Community Involvement outlines the consultations methods used in the development of Local Plans, SPDs and Neighbourhood Plans. This means it will assist in the delivery of the Council's four strategic objectives (see section 3).	Head of Planning and Development
<b>Cross Cutting Objectives</b>	The report recommendation(s) supports the achievement(s) of all four cross cutting objectives as the Local Plan Review has consideration for the cross-cutting objectives.	Head of Planning and Development
<b>Risk Management</b>	Already covered in the risk section	Head of Planning and Development
<b>Financial</b>	There is provision in the budget for preparation of the Statement of Community Involvement. No additional budget provision is required arising from the addendum proposed in this report.	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Head of Planning and Development
<b>Legal</b>	Accepting the recommendations will fulfil the Council duties under the Planning and Compulsory Purchase Act 2004 (as amended) and the Planning Guidance issued by the Government in response to the Covid-19 pandemic.	Russell Fitzpatrick (MKLS (Planning) Team Leader
<b>Privacy and Data Protection</b>	The recommendations will not have any implications for the volume of data held by the Council.	Anna Collier Policy and Information Manager
<b>Equalities</b>	The Council has a responsibility to follow government advice on Covid-19 and amend its procedures accordingly. The Council will proactively support any residents who would rely on onsite viewing and cannot access the	Anna Collier Policy and Information Manager

	documents in any other way.	
<b>Public Health</b>	The Council has a responsibility to follow government advice on Covid-19 and amend its procedures accordingly.	Public Health Officer
<b>Crime and Disorder</b>	There are no implications for Crime and Disorder	Head of Planning and Development
<b>Procurement</b>	There are no procurement requirements	Head of Planning and Development & Section 151 Officer

## **2. INTRODUCTION AND BACKGROUND**

- 1.1 The Council is required under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Statement of Community Involvement which outlines when and how people can get involved in the planning system. The Statement of Community Involvement 2018 (SCI 2018) was approved by Strategic Planning, Sustainability and Transportation committee on 4<sup>th</sup> December 2018 and came into effect the same day (background document 1).
- 1.2 A local planning authority can make changes to their Statement of Community Involvement without consultation (background document 2). A series of amendments have been made to the SCI 2018, with the most recent set published on the Council's website in May 2020. The changes are outlined in an SCI addendum found at background document 4 but have been summarised below:
1. Delete reference to the use of Facebook and Twitter in Table 1 (Local Plans) and Table 2 (Supplementary Planning Documents)
  2. Clarification that once a Neighbourhood Plan has been through a successful referendum, the plan becomes part of Maidstone Development Plan
  3. Clarification of engagement and consultation methods used in Neighbourhood Plans

### **Coronavirus and the impact on the Statement of Community Involvement**

- 1.3 The Government has published guidance to help prevent the spread of coronavirus (Covid-19). As a result, the way in which people are able to engage in the planning system, such as the Local Plan process and Neighbourhood Planning, will be impacted.
- 1.4 The Planning Practice Guidance (background document 2) outlines that where policies in a Statement of Community Involvement cannot be complied with due to Covid-19, the local planning authority is encouraged to undertake an immediate review and update, thus allowing plan-making to

continue. To ensure that the SCI 2018 complies with the current Government guidance, an addendum of temporary changes has been produced. Maidstone Statement of Community Involvement Covid-19 Addendum May 2020 can be found at Appendix 1. It is expected that these changes will only be necessary whilst national restrictions relating to Covid-19 are in place.

## **What are the proposed changes to the Statement of Community Involvement and reasons why?**

### Local Plan Review

- 1.5 The next key stage of the Local Plan Review is a public consultation on the preferred approaches (Regulation 18b), scheduled to take place in October 2020.
- 1.6 Under the current SCI 2018, documents are to be made available to view online and at inspection points throughout the various stages of the Local Plan Review. However, under current Government guidance people will no longer be able to view physical copies of consultation material at the specified inspection points. The revised PPG (background document 2) outlines that online engagement methods, such as making the documents available to view online and the use of social media, are strongly encouraged. The temporary Addendum will therefore state that the option to view material at physical inspection points is temporarily unavailable and advise that documents can be viewed online at Regulations 18, 19, 22-25, and 26.
- 1.7 The PPG also advises that authorities need to consider alternative and creative ways to engage those sections of the community without access to the internet and take reasonable steps to ensure their involvement. One such way is through representative groups or nominated advocates to share views on individuals' behalf. In addition to the general public and statutory consultees, who include Parish Councils and Neighbourhood Forums, the Council is already committed through the SCI 2018 to engaging with hard to reach groups and local stakeholder groups where appropriate and relevant. This will continue as well as consideration being given to holding online events where requested by a group or organisation where it reasonable and practicable to do so.

### Supplementary Planning Documents (SPD)

- 1.8 The Affordable and Local Needs Housing SPD is due to go to this committee for approval to adopt in July 2020. The SCI 2018 does not require an SPD to be made physically available at any inspection points at the adoption stage (Regulation 14).
- 1.9 That said, under the current SCI 2018, documents are to be made available to view online and at inspection points during the public consultation stage of Supplementary Planning Document production (Regulation 12). As outlined in paragraph 1.6 above, access to inspection points will be temporarily unavailable whilst the current Covid-19 restrictions remain in

place. The temporary Addendum will therefore state that the option to view material at physical inspection points is temporarily unavailable and advise that documents can be viewed online at Regulation 12.

- 1.10 In addition, the Council will also continue to engage with hard to reach groups and local stakeholder groups where appropriate and relevant, as per current SCI 2018 commitments and paragraph 1.7 above.

#### Neighbourhood Planning

- 1.11 The Marden Neighbourhood Plan is in the final stages of production, with only two steps remaining. First, following the successful referendum this Committee must recommend to Council that the Neighbourhood Plan be 'made' (see report elsewhere in this agenda). Following a decision to make the plan, in line with the Neighbourhood Planning Protocol, a decision notice will be placed at inspection points. It is then for Council to formally make the plan, at which point the plan and adoption notice are placed at inspection points. However, it is not just this final stage that will be impacted by the current Covid-19 restrictions. Measures will be taken to ensure everyone can access the document and other material. The temporary Addendum will therefore state that the option to view material at physical inspection points is temporarily unavailable and advise that documents can be viewed online at Regulations 16, 19 and 20. Officers will advise parish councils/neighbourhood forums to adopt a similar approach for Regulation 14 consultation arrangements, which are the responsibility of these bodies.
- 1.12 The Lenham Neighbourhood Plan is at examination stage. The guidance provided by the Government on the impacts to Neighbourhood Planning of Covid-19 (background document 3) outlines that examination by written representation is the favoured method. However, if the examiner considers that oral representations are required, video conferencing or other suitable technologies should be used as an alternative to face-to-face hearings. This point is clarified in the temporary Addendum with amendments to Regulations 17-18.
- 1.13 In addition, any neighbourhood plan referendums will be postponed until 6th May 2021, in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#).
- 1.14 The Neighbourhood Planning Protocol provides more detail of the consultation stages involved in Neighbourhood Planning. Subsequent to the temporary changes to the SCI 2018 in response to the Covid-19 guidance, further temporary changes to the Protocol will be required. A report will be presented to this committee in July.

#### Wider implications for Planning

- 1.15 The SCI 2018 sets out the consultation methods used as part of the planning application process. These processes have been assessed by colleagues in Development Management against the Government's advice. It is considered that no changes are required at this time.

## Summary

- 1.16 The SCI 2018 is a statutory planning document which the Council is required to prepare by legislation and is part of the Local Plan. It reflects the regulatory requirements and also sets out the Council's complementary measures. In order to continue to effectively engage with the community throughout the plan-making process whilst adhering to the government's latest Covid-19 guidance, a series of temporary changes to the SCI 2018 are proposed in the form of a temporary Addendum. These changes are necessary as failure to comply with the requirements of the SCI could result in legal challenges being brought, which would impact on the weight applied to planning policy decisions in planning decisions.
- 1.17 The SCI falls within the delegated authority of the Head of Planning and Development. In this instance, he has elected not to use his delegated authority, but as outlined the Planning Guidance it is best practice to inform the public of any changes made to the SCI. The Committee is therefore asked to approve for publication with immediate effect the temporary changes to the SCI 2018 in the form of the Temporary Addendum (Appendix 1). In the interest of expedience, the committee is also asked to agree that any further SCI 2018 amendments related specifically to Covid-19 can be approved by the Head of Planning and Development under his Constitutional delegated authority.
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## **3. AVAILABLE OPTIONS**

- 3.1 Option A: The Committee approves the Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020 for publication and agrees that any further SCI 2018 amendments related specifically to Covid-19 can be approved by the Head of Planning and Development under his Constitutional delegated authority. The Council is required under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Statement of Community Involvement. The recent Planning Guidance issued by the Government in response to the Covid-19 pandemic outlines that the local planning authority is encouraged to undertake an immediate review and update where policies in the SCI cannot be complied with. The Addendum will provide clarification on how engagement and consultation will continue throughout the continued development of Local Plans, SPDs and Neighbourhood Plans. The Local Plan Review, SPDs and Neighbourhood Plans assist in the delivery of the Council's four strategic objectives and cross-cutting objectives.
- 3.2 Option B: The Committee approves the Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020 for publication and agrees that any further SCI 2018 amendments related specifically to Covid-19 should be brought back to this committee for approval.
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## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is Option A outlined in paragraph 3.1. By agreeing to make changes to the SCI 2018 and allow modifications to be made in the future under delegated authority the Council is able to provide clarity on the ever changing Covid-19 situation.
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## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. Consideration is shown in this report at paragraphs 1.16, 1.17, and 3.1. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Previous changes have been made to the Statement of Community Involvement and can be found on the website. Changes to the Statement of Community Involvement do not require a period of consultation.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 The Maidstone Statement of Community Involvement Covid-19 Addendum May 2020 will be published on the website. Should the need for further changes arise, modifications will be published on the website.
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## **8. REPORT APPENDICES**

Appendix 1: Maidstone Statement of Community Involvement Covid-19 Addendum May 2020

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## **9. BACKGROUND PAPERS**

Background document 1: Statement of Community Involvement (2018)

[https://maidstone.gov.uk/\\_data/assets/pdf\\_file/0008/266525/Statement-of-Community-Involvement.pdf](https://maidstone.gov.uk/_data/assets/pdf_file/0008/266525/Statement-of-Community-Involvement.pdf)

Background document 2: Planning Guidance – Plan making

<https://www.gov.uk/guidance/plan-making>

Background document 3: Planning Guidance – Neighbourhood planning

<https://www.gov.uk/guidance/neighbourhood-planning--2>

Background document 4: Maidstone Statement of Community Involvement 2018  
Addendum May 2020

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Draft-Addendum-for-SCI-V3.pdf>