

STATEMENT OF COMMUNITY INVOLVEMENT (RUTLAND COUNTY COUNCIL 2020) – CONSULTATION RESPONSE

From:

Address:

General Comments

1. We first welcome the opportunity to comment on this updated draft of the Statement of Community Involvement (SCI), albeit on a tight time frame. In doing so, it is acknowledged that, as para 1.12 of the documents notes, there is no legal requirement for the Local Planning Authority to consult when updating its SCI.
2. This document has not been updated since the 2014 version was published and the changes reflect the updated legislative position and also the decision of Rutland County Council (RCC) to alter consultation procedures on statutory planning matters between RCC, as the Local Planning Authority (LPA), and residents, the wider community and key stakeholders, particularly to address changes needed as a result of the coronavirus pandemic.
3. The planning system has included, at its very heart, for over 50 years the concept of The Local Planning Authority (LPA) (in this case Rutland County Council) engaging with communities, the public and these key stakeholders, in both its plan-making responsibilities and in providing the opportunity to comment on planning applications. This Statement of Community Involvement (SCI) document seeks to show how these statutory responsibilities of community engagement will continue to be met. However, the recent track record of the Council in carrying out consultation relating to the Planning System, particularly in relation to the Local Plan Review process since 2015 and more particularly since the Reg. 18 Local Plan was published in July 2017, does not inspire confidence that this SCI will be followed, even if it were felt that all the aspirations and approaches reflected in it were all that were needed to be done. A very big 'If'.
4. Underpinning this is the fact that a **LPA should be fully engaging with the community** (however defined) throughout the plan-making process, **not just setting out how it will inform the community about what it is doing. The 2018 July Specific consultation on the St George's Barracks** proposal and how RCC wished to incorporate it into the Local Plan is a case in point. It was **clear this major shift in the spatial strategy**, from the dispersed pattern of development set out in the 2017 Reg. 18 consultation plan, to one that concentrates development in a green community in the countryside of Rutland at St George's, **had never been discussed in principle with the community**, based on a sound alternative planning assessment.
5. The SCI needs to reflect a real commitment, if such exists, that RCC will adopt approaches to plan-making that are all about engaging with the community throughout the process, so that plan-making can be seen and felt to be genuinely community led. Without this commitment, the LPA will be falling well short of the significant responsibility set out in clause 16(c) of the National Planning Policy Framework (NPPF), which is worthy of being repeated here. Under the section on Plan-Making the NPPF states that ***'Plans should....be shaped by early, proportionate and effective***

engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees. The relationship between the LPA and the community that it is seeking to plan on behalf of, is at the heart of this part of national planning guidance and needs to come through loud and clear in the SCI as **it should be**, arguably, **the overriding priority of the Council's approach.**

6. Furthermore, **the SCI should state much more clearly than it does, the basis upon which responses to consultation in plan-making will be addressed.** There were, for example, both supporting points and objections to the July 2017 Reg.18 Plan. **However, the Specific Consultation on St George's barracks site in July 2018 received over 1500 responses, the vast majority negative. Yet these have never been properly analysed publically, let alone weighed off as they should be, well in advance of the Reg.19 Plan.** Indeed it should be possible to show how the revised 2020 Local Plan has in practice been informed by the results of these earlier consultations. In practice, the reverse has happened and the appearance has been given by RCC that any negative comments and objections have just been dismissed, with no clear planning reason for doing so. The SCI guidance should be clear on this point – that is emphasising the importance of handling objections to the stages of the plan-making process properly and with transparency.

7. There is a wider context for this, in that recently RCC had an independent external **Corporate Peer Challenge Review**, council-wide, of its activities and ways of working. Amongst the six main recommendations for immediate action to improve performance, published in November 2019, **two areas of concern related to community consultation.**

i) Firstly to ***'Develop mechanisms to facilitate continuous community engagement that is more than consulting on options, builds assurance and transparency around future plans to win hearts and minds- this is essential if the Council is to secure the community buy in to its ambitions.'***

ii) the third recommendation suggested ***'Working with Town and Parish Councils to co-design and co-produce a framework for future engagement to help build a stronger conduit to communities and residents....reset relationships with Town and Parish Councils, facilitate better engagement and promote shared ownership of ambitions for Rutland and develop the Parish Forum into a strategic partnership.'***

8. Far from these challenges being picked up and addressed as far as they can be in relation to the planning procedures in this updated SCI, they are, if anything, weakening the relationship still further. RCC has a clear tendency to consult on its preferred options, rather than, for example, using techniques that have been well honed and practiced over many years, such as planning for Real Exercises, to explore with the community a range of different options and scenarios. **The Council has also been aiming for some time it appears, to weaken engagement with the Parish Councils by, for example, removing paper copies from the consultation on planning applications (see point 17 below) and the deletion of reference to the important role of the Parish Council Forum in bringing together parishes (see point 16 below).**

9. **How does the SCI relate to other community engagement priorities?** For example, reference has been made in public on a number of occasions to the **aspiration of RCC to develop a '50 year Vision'** for Rutland. It is not clear how the SCI would be applied to ensure community engagement in this process. Furthermore, in practice the planning system is one of the very few mechanisms that a Local Authority has at its disposal to influence the direction of travel of a locality over this kind of

time-scale. **To embark on this project to develop a 50 year vision, having now taken decisions that, if implemented, will change the nature of Rutland for generations to come, is strange to say the least.** This proposed Spatial Strategy will set in place a pattern of development and investment that will influence where people will be living and working locally for the next 20 to 30 years. In that sense, the Vision for a realistic period would be determined now and any subsequent consultation, let alone public participation, in trying to evolve a new 50 year Vision would have a very hollow ring to it.

10. Paragraph 1.8 of the SCI sets out an aspiration for a ‘two-way process between the community and the Council....’, providing opportunities for communities ‘...to help shape their local area....’ **This does not feel much like the prevailing reality of the plan-making process over the last few years.** It also then adds a general and rather important reference to requiring ‘flexibility’ in these methods of approach, the meaning of which could be open to interpretation. **At the very least it could be suggested that this would allow for scaling back of community engagement at any time and with little need to justify such changes.**

11. It then goes on to refer to the impact of the spread of coronavirus (Covid-19) and how it has affected all the Council’s statutory planning functions (para 1.13) including inability to make documents available in public places, holding exhibitions, attendance at forums and meetings and the preventing the submission of paper based representations. There can be no doubt that some of this is in tune with RCC’s direction of travel – **for example the desire to make all responses to planning application electronic, as well as the use of very proscribed electronic forms for receiving responses to the Local Plan consultation, without which a response will not be considered. This is going to make it much harder for people to engage freely in the planning process.** Many residents do not have access to a computer, something which for them is not likely to change. **Accordingly, a group of the population is going to be disenfranchised from engagement in the planning process, which must be contrary to national guidance as set out in the NPPF.**

12. It is quite correct for the SCI to spell out the changes that come as a direct result of the need to alter practices following the Covid-19 pandemic. For example, dealing with planning applications electronically whilst the virus is still around makes complete sense. **Then, however, the SCI should indicate precisely how, once it is deemed as safe to do so, these changed practices would be reversed to some extent.** However, something that is larger in scale and more of a one-off process, such as a **major review of the Local Plan**, is clearly far too compromised by the examples cited above and **should not go ahead whilst the restrictions imposed by the pandemic are still in place.** It is not as if this is a Local Plan with minor tweaks from the previous one, this represents a major change to the direction of travel of the Rutland Local Plan. In fact this SCI adopts a completely opposite approach to this, in quoting the MHCLG and Planning Advisory Service advice (Para. 1.14) that local authorities should ‘forge ahead’ with the preparation of local plans as they will be a key factor in enabling economic recovery. Whether this is to include consultation on plans going ahead in this much more circumscribed environment is debatable. The RCC Plan has of course been prepared! Nevertheless, it is clear which way RCC is going. **The SCI should distinguish between preparation and consultation in this context and seek to pause much longer, until the climate for proper public consultation has improved, including, for example, the Council members and officers being able to attend meetings and events to explain and discuss their proposals directly with the community.**

13. On the wider point, **it is clear that the requirement to change consultation practices, whilst the pandemic restrictions are in place, looks as if it is being used as an opportunity to introduce longer term and permanent changes, all to the detriment of effective public consultation and engagement.** If this is not the intention, the **SCI needs to spell out much more clearly the elements of sound consultation practice that it would anticipate re-introducing once it is safe to do so.**

Detailed Comments

14. Under section 3 of the SCI there is what appears to be a removal of the requirement to consult the Local Enterprise Partnership. It may be that this, it is felt, is picked up as a general stakeholder, but given that, for the foreseeable future the importance of the planning system in helping to deliver the economic recovery (see point 12 above) this omission appears strange and inconsistent.

15. A similar point can also be made about the deletion of the reference to involvement with the Local Strategic Partnership for Rutland – Rutland Together.

16. In the 2014 draft there was a key reference, in the section on Key Stakeholders, to involving the **Rutland Parish Council Forum** in matters relating to the statutory planning process. Despite this being deemed as important, as an established body by which the local community can be consulted at both formal and in formal stages, this reference has been deleted from this draft SCI. **This Forum** still exists, meets quarterly as before and continues to be important conduit in ensuring that the opportunity exists for parishes to share information, knowledge and opinion amongst themselves and with RCC. **As such, the deleted reference should be reinstated – not least because planning issues have over a long time been one of the key areas that are covered by these meetings.**

17. Section 5 of the SCI covers Community Involvement in Planning Applications. It was clear, even before Covid-19 made things mandatory for the foreseeable future, that RCC has wished to remove the paper copies of its consultation with Town Councils, Parishes and Parish Meetings and that the sole consultation would then be an electronic link through to the planning web-site to view the application and its accompanying documents online. Whilst this generally works as a computer link satisfactorily, **it is still effectively disenfranchising those Parish Councillors, and there are quite a few of them, without web access.** Parishes are in general not in a position to finance the cost of ensuring all councillors are linked up electronically (and it is not a mandatory requirement of being a Parish Councillor anyway.) Furthermore, large applications and /or those with complex plans and supporting material can be difficult to look at on standard sized computer equipment. In addition Parish Councils do not, in general, have the resources, for example, to spend on the kind of equipment that makes viewing physically large plans comprehensible. **So we would urge a change to this section of the SCI back to providing paper copies to parishes in due course and once safety restrictions are lifted, even if it is limited to those larger and more complex applications.**