

TO: EXECUTIVE
25 AUGUST 2020

TEMPORARY CHANGES TO THE BRACKNELL FOREST STATEMENT OF COMMUNITY INVOLVEMENT

Director of Place Planning and Regeneration

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Executive's approval to a Temporary Changes Addendum (the "Addendum") to be published alongside the adopted Bracknell Forest Statement of Community Involvement 2014 (SCI). The SCI sets out who and how Bracknell Forest Council will engage with on the preparation of planning policies and planning applications. It encourages community and stakeholder involvement.
- 1.2 Due to the COVID-19 pandemic, the Council is unable to fulfil some of the commitments set out in the adopted SCI in respect of how the Council consults on policy documents. Some amendments to consultation procedures relating to planning applications are also required. The temporary changes have been made to protect the health of local communities and follow national advice and guidelines.

2 RECOMMENDATION(S)

- 2.1 **That the Temporary Changes Addendum (at Appendix A) be approved and published alongside the Bracknell Forest Statement of Community Involvement (2014).**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 National Planning Practice Guidance¹ requires local planning authorities to assess their SCIs to identify whether elements are inconsistent with public health guidelines and restrictions in place due to the COVID-19 pandemic. Any temporary amendments that are necessary should then be made. The Bracknell Forest SCI has been reviewed and areas have been identified where it is considered necessary to make temporary amendments to enable plan making and other activities to continue.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The main alternative is not to publish the "Addendum" to the SCI but to rely on the adopted SCI. However as set out in paragraph 3.1 above, the Council is unable to meet its full consultation and engagement commitments during the COVID-19 pandemic. This could potentially result in failure of the Central and Eastern Berkshire Joint Minerals and Waste Local Plan and the Bracknell Forest Local Plan to meet the legal compliance test on Examination and expose the Council to the risk of legal challenges. It is considered that approval and publication of the "Addendum" is the most appropriate option.

¹ Planning Practice Guidance paragraph: 077 Reference ID: 61-077-201200513

5 BACKGROUND INFORMATION

- 5.1 The SCI sets out the Council's standards to be achieved in involving the local community and other stakeholders in the preparation, alteration and continuing review of all planning policy documents and the determination of planning applications.
- 5.2 Whilst the Council is able to continue to make planning policy consultation documents available on the website, the current COVID-19 crisis means that it is unable to fulfil some of the commitments set out in the SCI due to current public health guidelines on social distancing. This includes making hard copies of response forms and key consultation documents available for inspection at Time Square, in all libraries and Parish/Town Council offices during normal opening hours.
- 5.3 The Government has recently temporarily disapplied the legal requirement² to make documents available for public inspection at an Authority's principal office and at such other places as the Authority considers appropriate together with the need to provide hard copies of documents made available under Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 until 31 December 2020. The "Addendum" is aligned with these amendments and states that once buildings are reopened to the public, physical copies of documents will be made available for inspection, in accordance with the adopted SCI. However, in addition the Council will fulfil bespoke, proportionate requests for extracts or summaries of documents at no charge to those who do not have access to the internet. Requests for full versions of documents may be subject to a reasonable charge.
- 5.4 The SCI states that responses to consultations via letter will be accepted, but current working practices mean that any paper copies may not be received or acknowledged until this emergency period is over and normal office working is re-established. The "Addendum" sets out how to respond to planning policy consultations during this time.
- 5.5 Although the SCI states that exhibitions, meetings, workshops and similar events would be held 'where appropriate', the "Addendum" clarifies that due to the current situation the Council is unable to hold any public consultation events including face-to-face meetings, workshops, or exhibitions.
- 5.6 The SCI sets out the consultation process for Neighbourhood Development Plans, including community referendums. The Government has postponed all Neighbourhood Planning Referendums until 6th May 2021³. The "Addendum" clarifies this position.
- 5.7 The publicity for planning applications is still broadly as set out in the SCI. The main change is that where appropriate the Council is posting updates on the website regarding certain applications in lieu of sending letters and providing instructions on how to join virtual planning committees via the website. Additionally, temporary

² The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020

³ Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020

regulations⁴ have extended the minimum time limits for making representations in relation to planning applications from 14 to 21 days.

- 5.8 In view of the date that the SCI was adopted, it is proposed to carry out a review of the document once some form of normality has been restored and options for permanent arrangements are clearer.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 It is a legislative requirement that the Council complies with the SCI. Inspectors reports and case law have established that a failure to consult as set out in an SCI can lead to failure to meet the legal compliance test on Examination of a local plan and risks of legal challenge to decisions which could potentially render them quashed.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendations in this report.

Equalities Impact Assessment

- 6.3 An EqIA Screening Form was completed in respect of the 2014 SCI in July 2013 and did not identify any negative impacts. The temporary changes (currently until 31 December 2020) do not affect the EqIA screening that was previously undertaken. For those without access to the internet, inspecting documents will be more challenging in the current situation. The “Addendum” sets out that hard copies of planning policy documents will be made available for inspection in libraries that are open to the public. The Council will also fulfil bespoke, proportionate requests for extracts or summaries of documents at no charge. Some libraries that are open are also enabling residents to book computer slots; it is therefore possible for documents to be viewed digitally in these locations. These measures are considered to help mitigate the impact that the pandemic is having on those without access to the internet.

Strategic Risk Management Issues

- 6.4 There are no specific risks identified in the Strategic Risk Register (2020) which affect the “Addendum”.

7 CONSULTATION

- 7.1 The adopted SCI was subject to a six-week public consultation in September/October 2013.
- 7.2 The “Addendum” contains temporary measures that are being urgently brought forward in response to the COVID-19 pandemic. Whilst has not been subject to consultation, it is consistent with recently amended legislation, planning practice guidance and public health guidelines.

⁴ Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

Background Papers

Appendix A – Statement of Community Involvement Temporary Changes Addendum

Other documents:

Adopted SCI: <https://www.bracknell-forest.gov.uk/sites/default/files/documents/statement-of-community-involvement-2014.pdf>

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