

Supplementary Guidance to the Statement of Community Involvement in response to the Coronavirus Pandemic

22nd May 2020

- 1 This note provides supplementary guidance to the Borough Council's Statement of Community Involvement (SCI) published in July 2019 in response to the challenges faced by the Borough Council in undertaking its statutory obligations set out in the SCI as a result of the Coronavirus pandemic. This guidance sets out the interim consultation arrangements that have been put in place in response to the Government guidelines on social distancing¹, ensuring the Borough Council is able to adapt and undertake reasonable and appropriate methods of consultation as the restrictions are eased.
- 2 This note sets out the broad implications of the restrictions introduced as a result of the Coronavirus in undertaking consultation on Local Plans, Neighbourhood Plans and planning applications. Tables 1 and 2 summarise the interim methods for consulting on planning policy documents and planning applications respectively, which are to be used whilst the social distancing measures are in place.
- 3 In reviewing the measures set out below, consideration has been given to the Government guidelines on social distancing, the Planning Practice Guidance (PPG), the Coronavirus Planning Update² and the Frequently Asked Questions prepared by the Planning Advisory Service (PAS³) which are all being updated on a regular basis.
- 4 It should be noted that the consultation methods set out below are those that the Borough Council consider to be reasonable and appropriate whilst restrictions on social distancing remain in place. These are interim arrangements that allow the Borough Council to adapt to the changing Government guidance on social distancing and further planning guidance provided by MCHLG and PAS. This note and the interim measures will be withdrawn once the Borough Council is satisfied it will be able to meet all of its obligations set out in the SCI (2019).

Local Plan

- 5 Figure 1 of the SCI sets out the stages for preparing and consulting of Development Plan Documents (DPD) and Figure 2 for the preparation and consultation of Supplementary Planning Documents (SPD).
- 6 The procedural steps and requirements for the making of a Local Plan are primarily set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Throughout the various consultation stages there is a requirement for the Borough Council to make available

¹ Staying at home and away from others (social distancing), published 11th May 2020

² <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update> - Ministry Housing Communities and Local Government (MHCLG)

³ PAS FAQs <https://local.gov.uk/pas/pas-topics/planning-covid-19/FAQ>

the consultation documents for inspection at its offices and other venues that the Council consider appropriate, such as libraries throughout the Borough⁴. Table 2 of the SCI sets out supplementary consultation methods that may also be used when undertaking statutory and non-statutory consultations as appropriate.

- 7 The next stage of consultation on the Borough's Local Plan will be the 'publication' stage (Regulation 19) which also requires the Council to make hard copies of the consultation documents available for inspection at its offices (requirement of Regulation 35). The Borough Council is presently reviewing its Local Development Scheme (LDS) which sets out the timetable for the preparation of the Local Plan which will be published on the Council's website in the near future. It is however anticipated that the Borough Council will not consult on the Publication version of the Plan until early 2021. Nevertheless, it is evident that the Borough Council will only be able to undertake this stage of consultation and comply with the Regulations once Government guidance allow for the availability of the consultation documents for inspection. Once this is possible, the Borough Council could also use a range of current and interim consultation methods as set out in Table 1 below.

Neighbourhood Development Plans (NDP) / Neighbourhood Development Orders (NDO)

- 8 The process for bringing forward a Neighbourhood Plan is primarily set out in the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012. While it is the role of the LPA to agree the (geographical) neighbourhood planning area; provide advice and assistance; hold an examination; and make arrangements for a referendum, NDPs are community led prepared plans, and parish councils /neighbourhood forums are generally responsible for ensuring that local people are consulted throughout the preparation of the plan.
- 9 The stages which are the responsibility of the Borough Council for consulting on and publicising an NDP are set out in paragraph 2.12 of the SCI. The Regulations for publicising an NPD/NDO are flexible in so far as the Council is only required to publish the relevant documents on its website and use other methods as considered appropriate i.e. those set out in Table 1.
- 10 The Government recently published an update to the 'Planning Practice Guidance' (paragraph 107)⁵ which, for consultation on NDPs states:

"Public consultation: The Neighbourhood Planning (General) Regulations 2012 require neighbourhood planning groups and local planning authorities to undertake publicity in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area at particular stages of the process. It is not mandatory that engagement is undertaken using face-to-face methods. However, to demonstrate that all groups in the community have been sufficiently engaged, such as with those without internet access, more targeted methods may be needed including by telephone or in writing.

⁴ Regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁵ PPG - Neighbourhood Planning - Paragraph: 107 Reference ID: 41-107-20200513 (updated 13th May 2020)

There are also requirements in the Neighbourhood Planning (General) Regulations 2012 that require at some stages of the process for neighbourhood planning groups and local planning authorities to publicise the neighbourhood planning proposal and publish details of where and when documents can be inspected. It is not mandatory for copies of documents to be made available at a physical location. They may be held available online”.

- 11 The PPG advises that local planning authorities may be able to advise groups on suitable consultation methods and how to reach certain groups in the community.
- 12 In response to this guidance, the Borough Council recommends that Neighbourhood Planning Groups/Forums refrain from undertaking formal consultation on NDPs (Regulation 14 stage) until such time the restrictions have eased that the groups consider effective public participation on the plan can be undertaken, in line with the Government guidance on social distancing and the latest national planning guidance. However, if Neighbourhood Planning Groups/Forums wish to proceed with the Regulation 14 consultation, it is recommended that the group contact the Borough Council’s Planning Policy Team to provide further guidance to help inform a decision as to whether the group consider the methods they are proposing are suitable and reasonable.
- 13 Where the Borough Council is required to publicise an NDP/NDO, it will use a range of appropriate consultation methods from those set out in Table 1 below. The Borough Council requests that Neighbourhood Planning Groups/Forums discuss the timetable for submitting a plan for examination with the Planning Policy Team at the earliest opportunity to ensure the methods for publicising the plan are suitable and reasonable.

Planning Applications

- 14 Various regulations set out the statutory minimum requirements for publicising planning applications⁶. The Government has introduced temporary regulations⁷ and an update to the Planning Practice Guidance (PPG)⁸ on publicising and consulting on planning applications. The temporary changes give local planning authorities greater flexibility in how they publicise certain planning applications during the response to coronavirus if they cannot discharge the specific requirements for site notices, neighbour notifications or placing advertisements in newspapers. The PPG states that if a local planning authority is not able to comply with a particular requirement to give notice by these means, the authority must take reasonable steps to inform any persons who are likely to have an interest in the application of the website and where details about the application can be found. These steps can include the use of social media and other electronic communications and must be proportionate to the scale and nature of the proposed development.

⁶ Town and Country Planning (Development Management Procedure) Order 2015, the planning (Listed Building and Conservation Areas) Regulations and the Planning (Listed Buildings and Conservation Areas) Act 1990

⁷ The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

⁸ Consultation and pre-decision matters

- 15 Since the introduction of the restrictions, the Borough Council has met its statutory obligations such as the posting of site notices, neighbour notification letters and press notices. Whilst it is not anticipated that the Borough Council will not be able to continue with these measures, alternative arrangements may have to be used in line with the regulations and guidance referred to above.
- 16 The only limitation presently identified is making the planning register and planning application documents available for inspection during the opening hours at the Borough Council offices. The PGG states that where the local planning authority is not able to do this, the temporary arrangements allow for the documents to be published on its website. The PPG also advises that local planning authorities may need to consider alternative arrangements for those who are unable to view planning application documents on the website.

Planning Committee

- 17 Due to the restrictions on social distancing, the Borough Council is unable to hold Planning committee at the Borough Council offices. New regulations⁹ now enable local authorities more flexibility on how planning committees are run, allowing meetings to be accessed remotely by way of a 'virtual' planning committee. The Council will be using such an approach until Government guidance allows for meetings to be held at a public venue and the Borough Council is satisfied the meetings can be held safely.
- 18 The interim measures for consulting on planning applications, viewing the planning register and temporary arrangements for Planning Committee are set out in Table 2 below.

⁹ Section 78 of the Coronavirus Act 2020

Table 1: Interim Planning Policy Methods of Consultation

Method of consultation	SCT Section / Paragraph No.	Description	Interim Arrangements
Direct notifications to appropriate organisations and individuals	Table 2	Emails or letters (where no email address is available) will be sent to statutory bodies, relevant groups and to those on our consultation database who have requested to be contacted.	No change.
Publish on the Borough Council's website	Table 2	<p>Notifications of consultations will be made available on the website, highlighting the times and dates of consultation, how to make representations and how to view the associated documents. The website will also enable the download of evidence bases, consultation reports and comment forms (where applicable).</p> <p>Progress on planning documents will be publicised on the Council's website.</p>	No change.
Location of hard copies of documents	Table 2	<p>Hard copies of the documents will be made available for public viewing during formal public consultation at the Borough Council's offices and local libraries within the borough.</p> <p>Other locations will be used when considered appropriate.</p>	<p>For Local Plan documents (DPDs and SPDs):</p> <p>The Borough Council will only consult on Development Plan Documents and Supplementary Planning Documents once it is in a position to make hard copies of the consultation documents available at the Council offices in line with the Government's guidance on social distancing. This may, for example, require inspection of documents by appointment.</p> <p>Whilst the Borough Council will resist undertaking consultation until such time Libraries reopen, the deposit of documents may not be possible subject to Government guidelines.</p>

Method of consultation	SCT Section / Paragraph No.	Description	Interim Arrangements
			<p>For Neighbourhood Development Plans (Regulation 15 onwards) and Neighbourhood Development Orders (Regulation 22 onwards):</p> <p>The Borough Council will make hard copies of documents available once it is safe to do so and in line with Government guidelines on social distancing. This may include inspection of the documents by appointment only. Where this is not possible due to restrictions, all documents will nevertheless be made available on the Borough Council's website. Where access to the website is not possible, the Borough Council may offer to send hard copies of the documents where practicable to do so.</p>
Social networking sites	Table 2	Information on consultation events will be advertised on social media including our corporate Facebook page and Twitter feed.	No change.
The Borough Bulletin	Table 2	Where feasible, the quarterly Borough Bulletin, a council publication distributed to every household in the borough, will provide notifications of consultation events and updates on the preparation of planning policy documents.	No change.
Local media	Table 2	Where appropriate advertisements for formal consultations will be placed within local media such as the local newspaper.	No change.

Method of consultation	SCT Section / Paragraph No.	Description	Interim Arrangements
Exhibitions	Table 2	Public exhibitions for local residents during consultation stages to discuss plan proposals and content in more detail, and encourage participation and responses.	Public exhibitions are traditionally undertaken during consultation stages on Development Plan Documents. It is not known whether it will be possible to hold exhibitions whilst the social distancing restrictions are in place. The Council will hold exhibitions only when it is considered safe to do so in line with Government guidelines. The Borough Council will also explore the use of alternative methods to encourage discussions on plan proposals such as an online forum or virtual exhibitions.
Council meetings	Table 2	Where appropriate, plans will be taken to relevant council meetings in line with the Borough Council's constitution for feedback and approval from elected local members.	No change, however meetings may be held remotely.
Parish Council Meetings	Table 2	Where appropriate, the Planning Policy Team may offer attendance at Parish Council meetings to discuss plan proposals and content in more detail and answer questions from local representatives.	No change, however officer attendance will be where it is safe considered to do so in line with Government guidelines on social distancing.
Member workshops	Table 2	Group meetings will disseminate information to elected local members on plan preparation and primarily gather locally specific information to inform plan preparation. Workshops will usually involve groups using plans, models and other visual materials.	No change, meetings may however be held remotely.
Surveys and questionnaires	Table 2	These may be used to canvass views on key issues, options, proposals and documents.	No change.
Publication of the Consultation Statement	Paragraph 7.1	We will consider all responses received during the formal consultation period. Following consultation	The Borough Council will make hard copies of documents available once it is safe to do so and in

Method of consultation	SCT Section / Paragraph No.	Description	Interim Arrangements
		<p>periods, we will publish a Consultation Statement which will set out how we have addressed responses received during consultations. This will be made available on our website and also be available to view in person during office hours. Any responses which contain offensive language will be redacted prior to being published.</p>	<p>line with Government guidelines on social distancing. This may include inspection of the documents by appointment only. Where this is not possible due to restrictions, all documents will nevertheless be made available on the Borough Council's website. Where access to the website is not possible, the Borough Council may offer to send hard copies of the documents where practicable to do so.</p>

Table 2: The Planning Application Process (Chapter 10 of the SCI)

Method of consultation	SCI Section / Paragraph No.	Description	Interim Arrangements
Statutory minimum publicity requirements	Paragraph 10.3	<p>The regulations set out in the Town and Country Planning (Development Management Procedure) Order 2015, the planning (Listed Building and Conservation Areas) Regulations and the Planning (Listed Buildings and Conservation Areas) Act 1990, state that all planning applications need to be publicised, either by site notice or individual neighbour notification. A press notice and site notice is also required for the following types of application:</p> <ul style="list-style-type: none"> • Erection of 10 or more dwellings or a site area of 0.5 hectares or more • Erection of 1000 square metres of floor space, or site area of 1 hectare or more • An application subject of an environmental impact assessment 	<p>The Borough Council continues to publicise all planning applications in accordance with statutory regulations. However, should the Borough Council not able to comply with any of these requirements during the response to the Coronavirus, it will use alternative methods proportionate to the scale and impact of the development as set out in the latest Planning Practice Guidance on consultation and pre-decision matters.</p>

Method of consultation	SCI Section / Paragraph No.	Description	Interim Arrangements
		<ul style="list-style-type: none"> • An application that would affect a right of way, under part III of the Wildlife and Countryside Act • Development affecting listed buildings • Development affecting the character or appearance of a Conservation Area • Departures from the Local Plan 	
Individual letters	Paragraph 10.4 – 10.5	<p>Letters will only usually be sent to those properties that will be directly affected by a proposal. This typically includes an adjoining owner or occupier. For example, letters will normally be sent to adjoining neighbours where residential properties adjoin a common boundary with the application site.</p> <p>Parish and Town Councils will be consulted on planning applications within their parish boundaries. Ward Councillors will also be given the opportunity to submit comments.</p>	<p>The Borough Council continues to identify and send individual neighbour letters where appropriate. However, should the Borough Council not be able to comply with any of these requirements during the response to the Coronavirus, it will use alternative methods proportionate to the scale and impact of the development as set out in the latest Planning Practice Guidance on consultation and pre-decision matters.</p>

Method of consultation	SCI Section / Paragraph No.	Description	Interim Arrangements
The planning register	Paragraph 10.6	<p>Applications for planning permission will be entered on a register. Maintaining a planning register is a statutory obligation and the information is available on the Borough Council's website or for inspection by arrangement during office hours.</p> <p>Current planning applications including plans and drawings and some historical applications can be viewed online using the Borough Council's website. For those applications that are not available online, the documents can be made available for inspection by arrangement during office hours.</p> <p>For those who do not have access to a computer the council provides access to the online system at the Borough Council's offices, Hinckley Hub, Rugby Road, Hinckley.</p>	<p>Planning Register: The Planning Register will remain available to view on the Borough Council's website. It will only be available for inspection by appointment once this is possible in line with the Government guidelines on social distancing.</p> <p>Planning application documents: Planning applications will remain available for viewing on the Borough Council's website. For those who do not have access to a computer, it is recommended that you contact the Development Management Team to discuss alternative arrangements. This may include, for example, sending hard copies of documents where this is reasonable and practicable.</p> <p>The Borough Council will make hard copies of documents available for inspection at the Council Offices as soon as possible and once it is safe to do so and in line with Government guidelines on social distancing. This may include inspection of the documents by appointment only.</p>
The weekly list	Paragraph 10.6	The Borough Council also produces a weekly list of all new applications registered the previous week. This weekly list is distributed by email to Borough Councillors and those registered to receive the list. It is also available to view on the Borough Council's website.	No change.

Method of consultation	SCI Section / Paragraph No.	Description	Interim Arrangements
Website	Paragraph 10.6	The Borough Council's website is a useful tool for viewing planning applications and making comments online. The website includes weekly lists of applications received and decisions made. These can be searched by application number or by ward. The Hinckley and Bosworth Planning Online website allows copies of the application forms, plans, drawings, and statutory consultation comments to be viewed online.	No change.
Procedure for dealing with comments/viewing comments	Paragraph 10.7	All those wishing to comment on an application are encouraged to do so online using the Borough Council's website. Whilst we will accept written letters and emails, we are unable to send individual responses or acknowledge receipt.	The Borough Council will continue to accept comments in response to planning applications via the Borough Council' website, email and written letters. Please note that the consultation period has been extended to 28 days until such time the Borough Council considers it appropriate to revert this back to 21 days.
Making decisions on planning applications	Paragraphs 10.12-10.13	<p>Where an application is being reported to Planning Committee, this will be stated on the Borough Council's website and those who have made a written representation to the application will be notified of the committee date. These arrangements are set out in the scheme of delegation which forms part of the Borough Council's constitution. The full committee report is available before the meeting and a copy will be available to download from the website.</p> <p>At Planning Committee one representative speaking against an application and one speaking in favour are able to speak to the committee for up to 3 minutes. Ward members may also speak</p>	<p>Due to the restrictions currently in place, the Borough Council will hold Planning Committee remotely until such time it is considered safe for the meetings to resume at the Borough Council offices in line with the Government guidelines on social distancing.</p> <p>The rules for Planning Committee will remain as set out in the Council's constitution. Members of the public who are entitled to speak at the meeting will have received a letter with information on how to register to speak.</p> <p>Members of the public will be able to view a live stream of Planning committee on the Borough</p>

Method of consultation	SCI Section / Paragraph No.	Description	Interim Arrangements
		on behalf of their constituents.	Council's YouTube channel. Alternative arrangements can be made for any members of the public who do not have internet access to enable them to speak where registered and/or listen to the meeting over the phone.