

April 2010



**Friends of
the Earth**

Briefing

Statements of Community Involvement

A short guide

Friends of the Earth inspires solutions to environmental problems, which make life better for people.

Friends of the Earth is:

- the UK's most influential national environmental campaigning organisation
- the most extensive environmental network in the world, with almost one million supporters across five continents and over 60 national organisations worldwide
- a unique network of campaigning local groups, working in over 200 communities throughout England, Wales and Northern Ireland
- dependent on individuals for over 90 per cent of its income.

To join or make a donation call us on 0800 581 051

Friends of the Earth, 26-28 Underwood Street, London N1 7JQ

Tel: 020 7490 1555 Fax: 020 7490 0881 Email: info@foe.co.uk Website: www.foe.co.uk

Friends of the Earth Limited company number 1012357

♻️ Printed on paper made from 100 per cent post-consumer waste

Statements of Community Involvement

Introduction

This guide is designed to help local campaigners and local authorities to prepare good Statements of Community Involvement. Based on our extensive experience of the barriers to community participation in planning, this guide identifies the key principles that will help promote effective public involvement.

Background to Statements of Community Involvement

Friends of the Earth works to shape a planning system that is fair, transparent, democratically accountable, and that delivers high-quality sustainable development. Friends of the Earth has engaged closely with the planning reform agenda, both nationally and through our 200 voluntary local groups who have first-hand experience of the barriers to participation in planning. The Planning and Compulsory Purchase Act 2004 made major changes to the structure of local development planning and required Local Authorities to adopt the new Local Development Framework (LDF) system which includes Statements of Community Involvement (SCI).

Friends of the Earth is concerned that the complexity of the system that has been introduced will make it difficult to communicate to local people. There will be more planning documents, each of differing legal status and each with much shorter review and replacement periods.

Recent changes

The Government has now changed the legal status of Statements of Community Involvement (SCIs) in the new 2008 Planning Act. These changes are important because they removed the requirements for the planning inspectorate to hold a public hearing into the quality of the SCI.

Community Involvement in Planning: the Government's objectives (2004) contains a broad outline of what Local Authorities must achieve. In brief it says the Statement of Community Involvement should contain a statement of the Local Authority's policy on "involvement" throughout the planning system. It is an entirely new concept in planning. Although there will be national minimum standards on participation, there is still considerable discretion for Local Authorities to adopt standards to meet their own particular circumstances, as long as they are not less than the minimum.

Key principles for public participation

Sustainable development depends on decision making in which all members of society can be heard and contribute to the future of their communities. Participation in planning must not be an afterthought but a cornerstone objective of the system. **Participation in the planning process should be recognised as a central way of promoting vibrant democratic governance that encourages active citizenship.** It will lead to better-informed, higher-quality decisions based on local knowledge.

There have been concerns inside Local Government that this form of participation undermines the role of elected members in the planning process. This is not the case.

Participative planning does not remove the need for locally elected politicians to make decisions on planning issues. Local politicians remain a vital component in deciding on the public interest.

Friends of the Earth believes Statements of Community Involvement should be based on the following principles:

- They should be simple to understand and communicate.
- They should set clear standards and be enforceable with clear lines of redress.
- They should be adequately resourced.
- They should prioritise dealing with the barriers to effective participation.
- They should reflect community needs.

Barriers to participation

In deciding what kind of standards to adopt in an SCI, it is important to understand the specific barriers that stand in the way of effective participation. Whilst many people recognise the need for an effective planning system, they are suspicious of the process, which is sometimes perceived to lack transparency and openness. In our experience there are a number of common barriers to effective participation that community groups and individuals encounter time and again:

- The cost of information.
- Lack of time to comment.
- Incomprehensible “planner” speak.
- Complex procedures.
- Negative attitudes to all objectors.
- Lack of understanding as to what issues can be dealt with under the planning system.

A framework for Statements of Community Involvement

In our view an SCI must adopt a simple framework that guides participation. This framework should be based on the Aarhus Convention¹ which suggests that in any decision making process people should have rights to information, participation and redress. This implies that we should ask three important questions of a local SCI:

- Does it help people to know what is going on?
- Does it allow them to shape the decisions?
- Does it give them an opportunity to seek redress if the process lets them down?

¹ The Aarhus Convention: the United Nations Economic Council for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted in 1998 in the Danish city of Aarhus.

Recommendations for Statements of Community Involvement

Using this framework we suggest the following key issues be incorporated in Statements of Community Involvement:

Accessing information for plan-making

- All draft Local Development Plan documents should be available free of cost to the public.
- The Local Authority should adopt a clear and imaginative communications strategy within SCI to reach groups such as young people.
- People directly affected by a plan policy should be directly notified. For example, where a significant new land allocation is proposed, people living around it should receive a letter telling them what this might mean.
- Communities should be helped to understand what part of SCI represents minimum legal requirements and what **new** standards they are getting.

Accessing information for development control

- There should be no charge for basic planning information, including copies of the planning application and accompanying maps.
- For complex applications, the Local Authority should provide local community groups with free copies of the Environmental Statement.
- Anyone directly affected by a planning application should receive written notification.
- Established community groups should receive written notification.
- Anyone should have the right to see all of the information on the planning file.
- Headline information on proposed Section 106 agreements should be published on the planning register prior to final signature.

Participation in plan-making

The single most important recommendation for the SCI is that all development plan documents are prepared, reviewed and replaced at the same time through one process of public examination. This helps reduce the confusion over each document being separately examined and reduces participation fatigue which could result from Local Authorities adopting all such documents separately. In addition, we recommend that the following key points be incorporated in the SCI:

Local Authorities should:

- adopt a clear participation strategy that outlines what participative techniques will be used when and for which communities. Where possible, the structure should be the same for all the different planning documents.
- make the best of existing ways of talking to the public, such as town and parish council meetings, citizens' panels and community forums. The SCI should include the setting up

of planning advisory groups to provide advice on policy.

- make clear the relationship between Community Strategy and Plan-making by making the SCI binding on the Community Strategy process.
- provide accessible, educational material on planning for local communities.
- promote understanding of the planning process through schools and colleges etc.
- promote roundtable and individual discussion with objectors.
- allow public speaking rights at the planning committee on issues raised by the Local Development Framework.
- use existing channels of communication from other Local Authority departments such as social services, education and public transport.

Where these functions are at county level, the SCI should make clear how districts will integrate their work with county departments.

Participation in development Control

There is little emphasis in Government guidance at present on setting up robust opportunities to participate in Development Control decision making. This is despite the fact that most people become involved in planning through Development Control cases rather than plan making. The Government has made it clear that it wishes the private sector to play a greater role in 'consultation' exercises. **Our key recommendation is that great caution must be exercised in asking the private sector to organise pre-application consultations.** The role of the private sector is often to promote development and it cannot be the organiser of consultation. That function has to be carried out by Local Authorities if people are to have confidence in the result.

We recommend that SCI include the following:

- Public speaking rights at committee.
- Extension of the consultation period to four weeks.
- Promotion and production of standard community response forms for people to make comments.
- Notification of planning decisions to be widely circulated among community organisations.
- Promotion of roundtable and individual discussion with objectors.
- Offer of effective mediation.

Redress in the planning system

There is a fundamental inequality in planning because third parties have no right of appeal against the grant of planning permission. It is therefore vital that the SCI make all possible effort to encourage effective rights of redress. In order to achieve this, Local Authorities should:

- provide effective information on how to make a complaint to the Local Government Ombudsman or the Information Commissioner.

Statements of Community Involvement

- establish an internal complaints process which gives people the opportunity to get redress if the Local Authority departs from its SCI. This could be achieved by reviewing internal constitutional arrangements and giving new power to, for example, the Standards Committee, to hear such complaints and make recommendations for future practice.
- provide information on judicial review and on the existence of bodies such as the Environmental Law Foundation (ELF).

Culture change

Creating an effective framework of rights and opportunities to participate in planning is only half the story. Changing the culture in which planning decisions are made is equally important. This means challenging the view commonly expressed by planning professionals that people who try to participate in the planning process are somehow a problem, that they get in the way of the real work of planners. Communicating with people and allowing them to participate fully is not a peripheral activity in planning, it is central to producing plans which are fit for purpose, reflect community views and provide a sustainable vision for the future. Planning departments need to reflect a much greater spirit of openness and a willingness to take on board views, even when these are expressed in non-expert language.

Changing culture is a long-term project and can be assisted by effective training programmes, clear leadership and closer long-term contacts with community-based organisations.

As a result of the renewed importance of public participation in planning, it is vital that its delivery is properly resourced. Delivering effective participation such as “planning for real” is resource intensive, but funding such activity should not be seen as an optional extra but as one of the key priorities of Local Authority planning departments.

Statement of Community Involvement: conformity check list

Access to information - ‘Plan-making’

1. Are Local Development Framework documents available free of charge?
2. Is there a strategy for reaching young people?
3. Are those directly affected being directly notified?
4. Is it clear what part of SCI is obligatory and what is extra?

Access to information - Development control

5. Is planning information, including maps, available free of charge?
6. Are free copies of the 'Environment Statement' available?
7. Are those directly affected being notified in writing?
8. Are community groups being notified in writing?
9. Does everyone get to see all the information on a planning file?
10. Is information on proposed Section 106 agreements being published?

Statements of Community Involvement

Participation in Planning - Plan-making

11. Are all development plan documents reviewed at once?
12. Has the local authority adopted a clear participation strategy?
13. Is the local authority using existing methods of talking to public?
14. Is the SCI binding on the Community Strategy progress?
15. Is accessible, educational material on planning being provided?
16. Is there roundtable and individual discussion with objectors?
17. Is public speaking allowed at planning committee on LDF issues?
18. Is the local authority communicating through existing channels with other local authority departments?
19. Is how county level functions integrate with county departments clear?

Participation in Planning - Development control

20. Does the local authority, not the private sector, organise consultation?
21. Is public speaking allowed at committees?
22. Does the consultation period last at least 4 weeks?
23. Are standard community response forms promoted?
24. Are community organisations notified of planning decisions?
25. Are roundtable/individual discussions promoted with objectors?
26. Is effective mediation offered?

Redress in the planning system

27. Is information on complaining to Ombudsman available?
28. Is there an internal complaints process?
29. Is information on judicial review and the Environmental Law Foundation provided?

Statements of Community Involvement

Further information and guidance:

Friends of the Earth – Tel: 020 7490 1555
26-28 Underwood Street, London, N1 7JQ
Website: www.foe.co.uk

Planning

Email: planning@foe.co.uk
Website: www.YourPlanningRights.co.uk

Right to Know

Email: right2know@foe.co.uk
Website: www.RightToKnowOnline.org

Rights and Justice Centre

Email: legal@foe.co.uk
Useful web sites

Government

Audit Commission Oneplace
<http://oneplace.direct.gov.uk>

Department for Communities and Local Government
<http://www.communities.gov.uk/>

The Planning Inspectorate
<http://www.planning-inspectorate.gov.uk/>

Environment Agency
www.environment-agency.gov.uk/

Environment Agency Public Registers
<http://www2.environment-agency.gov.uk/epr/>

Information Commissioners Office
www.ico.gov.uk

Neighbourhood Statistics
www.neighbourhood.statistics.gov.uk

The Planning and Compulsory Purchase Act 2004
www.legislation.hmso.gov.uk/acts/acts2004/20040005.htm

Planning Portal
www.planningportal.gov.uk

National Indicators
<http://www.communities.gov.uk/publications/localgovernment/updatedniddefinitions>

Non Governmental Organisations (NGO)

Air Quality – UK National Air Quality site
www.airquality.co.uk

Campaign to Protect Rural England planning site
www.planninghelp.org.uk

Environmental Law Foundation
www.elflaw.org/

Liberty
www.liberty-human-rights.org.uk/

Neighbourhood Initiatives Foundation
www.nif.co.uk/

Planning Aid
www.planningaid.rtpi.org.uk

Wildlife and Countryside Link.
www.wcl.org.uk

Specific reading

PPS 12 Local Development Frameworks

<http://www.communities.gov.uk/planningandbuilding/planning/regionallocal/localdevelopmentframeworks/pps12>

ODPM Community Involvement in Planning: the Government's Objectives

<http://www.communities.gov.uk/archived/publications/planningandbuilding/communityinvolvement>

Planning Inspectorate and the soundness test guidance

http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/ldf_testing_soundness_feb10.pdf