

CABINET

1 March 2006

STATEMENT OF COMMUNITY INVOLVEMENT: CONSULTATION DRAFT

REPORT OF THE CHIEF EXECUTIVE

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

This report sets out and describes the work carried out so far, in preparing for and producing a draft version of the City Council's Statement of Community Involvement (SCI). This particular document is a formal requirement of the recently revised planning system and will form a key component of the District's Local Development Framework which will, in future, plan for and guide Winchester's development needs.

Therefore, a primary purpose of the Statement will be to permeate all aspects of the emergence of the Local Development Framework. However, the new system is also intended to make it easier for local people to gain information of a high quality, to enable and encourage them to become more positively and effectively engaged in both the plan-making and development control aspects of the planning process.

Of equal importance to the City Council, is the opportunity that producing such a Statement gives for reviewing its entire corporate approach to future participation by individuals, communities and the many other interests represented throughout the District. This Draft SCI helps to explain and open up this opportunity and, from that, lays down a strategy and variety of methods for strengthened and widened public involvement in the Council's activities.

It is proposed, therefore, that this Draft version of the Council's SCI will be published for a six-week period of public consultation. At the end of this period, the representations and comments received will be used to revise the SCI, as necessary, and to move it on to the further prescribed stages leading towards eventual adoption.

RECOMMENDATION:

- 1 That Cabinet approve the publication of the City Council's 'Statement of Community Involvement: Public Consultation Draft', for a six-week period commencing on the 16th March 2006.
- 2 That Cabinet gives delegated authority to the Chief Executive in consultation with the Planning Portfolio Holder to make any minor editorial changes necessary prior to publication.

CABINET1 March 2006STATEMENT OF COMMUNITY INVOLVEMENT: PUBLICATION OF PUBLIC CONSULTATION DRAFTREPORT OF THE CHIEF EXECUTIVEDETAIL:1 Introduction

- 1.1 This report introduces and describes the work carried out so far in preparing a Statement of Community Involvement (SCI), on behalf of the City Council. This document, in its finally adopted form, will become an important element in the Winchester District's Local Development Framework (LDF) and will inform all aspects of the Council's future consultation and engagement activity. To carry forward the initial stages of the Statement's production, a draft version must be published for a six-week period of public consultation. A copy of the draft Statement is attached to this report, as Appendix A.
- 1.2 As Members will be aware, the Planning and Compulsory Purchase Act 2004 introduced a new planning system which changes the ways in which district and other councils plan for their future development needs. A key component of the revised system is the emphasis which is now being placed on strengthening community involvement in planning; with the aim of improving both the range and depth of consultation and the overall balance of involvement.
- 1.3 The new system, based on a combination of 'folders' or 'portfolios', which will together form the Local Development Framework, is intended to speed up the process of preparing and adopting development plans, whilst making the plans themselves more flexible and capable of responding to future change. However, this new system is also designed to make it easier for local people to gain information and to become more actively and effectively involved, in both the plan-making and development control aspects of the planning process.

2 The Statement of Community Involvement

- 2.1 A key element in meeting the above requirements and, therefore, providing an integral part of the new Local Development Framework, is a Statement of Community Involvement. This document sets out the Council's intentions for improving the quality of its engagement with the District's many communities, partners and stakeholders, both in terms of its 'breadth' and its 'depth' and, in particular, for planning policy-making and development control. However, of equal importance, is the opportunity that producing such a Statement gives for the Council to evaluate its approach to future involvement with individuals, groups and other interests represented within the District.
- 2.2 A Statement of Community Involvement is, therefore, intended to complement and integrate well with other Council initiatives and strategies for partnership working. Examples of these include the Community Strategy, the Local Strategic Partnership,

Citizens' Panel and Winchester Town Forum, as well as instances of currently ongoing work on better engagement with identified groupings, such as the business community and young people.

- 2.3 Currently, a review of how well the City Council engages and communicates with the communities it serves is being conducted by an Informal Scrutiny Group. The report and findings of this Group will inform further stages in the production and refinement of the Statement of Community Involvement, as well as helping to point the way forward for the Council in terms of better engagement, overall.
- 2.4 In addition to making better contact with residents, community, business and voluntary groups, it is also necessary to recognise that there are 'hard-to-reach' groups, with which the Council has not connected effectively in the past. Such groups include the young, the elderly, ethnic minorities, the disabled and the disadvantaged.
- 2.5 Therefore, in all such areas of engagement, and particularly where there is the potential for improved contact, it is important to form new initiatives and to carefully target efforts, not only to involve the wider community but those who, for a variety of different reasons have rarely, if ever, been involved with local planning matters or, beyond that, the wider range of Council policies and activities.
- 2.6 We will, of course, continue to consult with all Town and Parish Councils on a regular basis. Precisely how this is carried out in the future must, however, be in tune with local circumstances and must be contemporary, relevant and helpful to people at the local level. One possible way in which the Council's relationship with parishes might develop is through the concept of parish 'clusters'. The aim here would be to encourage collaboration between groupings of nearby parishes and Parish (or Town) Councils, in order to increase collaboration and to give a local geographical or 'area' focus to issues such as sustainability and the provision of services. It may also help to develop some form of local structure with, perhaps a representative panel or forum made up of representatives from towns or parishes.

3 Preparing the Consultation Draft SCI

- 3.1 A key part of the overall development and delivery of this new approach is that the Council needs to apply, the concept of 'front-loading'. This calls for a constructive and mutually helpful dialogue and involvement with all the District's communities, which begins at the start of each of the Council's key policy- or decision-making processes.
- 3.2 Such a dialogue is important, not least, in terms of preparing for and informing the production of the SCI and other Local Development Documents. It is also important, over time, in building the long-term partnerships which the Council wishes to further develop with communities and with other stakeholders. However, it should be noted that the SCI is not intended to imply that there should be detailed consultation for every aspect of Council decision making that relates to key policy and planning decisions.
- 3.3 The SCI is intended to be a statement of the Council's commitment to public involvement and consultation in various of its functions. As such, its implications need to be understood by Members in approving the document. In general terms, the Council should not change specific consultation 'promises' given in the SCI

without at least consulting with those likely to be affected. In some cases the commitments are fairly general and would allow for changes to be made without affecting what is said in the SCI, but in other cases, especially related to planning matters, the SCI is more specific.

3.4 For planning Development Plan Documents, the degree to which the commitments given in the SCI are met will form one of the 'tests of soundness' which all DPDs will be subject to, through the Public Examination process. Failure to meet the commitments could, therefore, have significant implications and if any of the commitments are proving impractical to meet for any reason there may be a need to formally modify the SCI. In the case of planning applications, much of what the Council does is a statutory requirement, but for aspects where there is local discretion there may need to be consultation on any changes before they are implemented, as there was for example with the recent Planning Improvement Plan, depending on how significant any changes were. With regard to the requirements sought of applicants, the Council does not have the power to refuse a planning application only on the basis that there was inadequate pre-application notification/consultation. However, as the SCI points out, failure to undertake adequate pre-application consultation may mean that important planning issues are not properly addressed, which could well be a reason to refuse an application. In such cases, an applicant is unlikely to be given the opportunity to correct such issues after an application is received, as this is one of the functions of proper pre-application consultation.

3.5 Nevertheless, a consistently applied approach to consultation is intended to produce considerable benefits, both in terms of the future efficiency and effectiveness of the Council's own activities and, from the point of view of individuals, business and local organisations, in terms of generating the following:

- a greater sense of the public ownership of local services;
- an improved community cohesion and sense of inclusion;
- a greater ability to influence the decision making process;
- good value for money

In order to increase these and other related benefits, it should be recognised that the Council's own internal methods of working can be further improved. In this respect it is, therefore, important to emphasise the value of a fully 'joined-up' approach, across all Divisions and in all areas of Council activity. Such an approach calls for high levels of communication, awareness and anticipation, by both Members and staff. This can then help to ensure that the right connections are made both within the Council and with external partners and other organisations, and that appropriate measures are put in place in order to achieve a greater consistency on the part of the Council and to deliver a more responsive and genuinely inclusive community involvement.

3.6 The Consultation Draft Statement, attached to this report, is divided into sections which deal with different aspects of community engagement and the Council's proposals for these. However, a key element in the overall Statement is the section which sets out the Council's current practices in relation to policy making, development control consultations and overall public involvement arrangements in regard to planning policy matters and the determination of planning applications. It is these parts of the Statement which are subject to the specific regulatory requirements of central Government and, therefore, they will be subject to the 'Tests

of Soundness' applied to the Statement, at the time of its examination by an independent Inspector (see Paragraphs 6.1 and 6.2, below).

4 The Programme

- 4.1 To initiate the overall programme, and before drafting the SCI, a period of informal 'front-loaded' consultation was begun during the late summer and autumn, of 2005. This was intended to set out the purpose, format and processes of both the Local Development Framework and the Statement of Community Involvement and to gather initial views and feedback, from both stakeholders and the wider community, in regard to the extent and quality of their involvement with the City Council and with the planning process in particular.
- 4.2 Associated with this, were a number of presentations and training seminars/workshops held in order to raise awareness of the issues involved, clarify the requirements of the new system and, in particular, provide a clearer understanding of the overriding need of the Council to adopt a more open and inclusive approach towards its local communities. These events were primarily aimed at Members, Town and Parish Council representatives, Council staff and developers.
- 4.3 As a further part of this initial front-loading programme, a 'reaching out' event was held in Winchester's Guildhall, at the beginning of December. The event was well attended by delegates representing a range of interests. These included community and voluntary bodies, education providers and business and development interests. A summary of the event and the generally informative feedback from it is attached to the Draft SCI, as Annex 2 to Appendix 1.
- 4.4 To complement that particular 'event' and to add more detail to its front-loaded consultation, the Council also hosted an in-depth event in early December. This took the form of a Focus Group meeting and brought together a small number of invited representatives from specific stake holder interests.

5 More about the front-loading part of the process

- 5.1 The front-loading of the Statement's production process has been additionally reinforced in a number of ways. Approximately 5,000 copies of a questionnaire were widely distributed throughout the District. The questionnaire, which gave information about the range of consultation methods that could be used, asked people and organisations how they would prefer to be involved, not only in regard to planning matters, but also across the full spectrum of Council activity.
- 5.2 The questionnaire was also made available on the Council's website and its availability in that alternative form was well publicised. In total, approximately 250 completed questionnaires were received, both electronically and as hard copy.
- 5.3 Whilst the overall number of questionnaires returned was low, in absolute terms, this particular rate of return compares well with that experienced by other local authorities who are currently producing or have produced their own SCI and had also chosen to include a questionnaire survey as part of their front-loading preparations. Useful feedback has been obtained, which has been used to inform the preparation of the Draft SCI. An analysis of the questionnaire survey and its results is included as an Annex (4), to Appendix 1 attached to the Draft SCI.

- 5.4 As well as helping, in this way, to exploit the potential of the Council's website as an increasingly valuable resource for exchanging information and views, an article introducing the Council's SCI process, and emphasising the importance of getting involved in this, was also included in the autumn edition of the Council's 'Perspectives' magazine. This message was further reinforced by staff attendance at a number of meetings throughout the District, leaflet distribution and consultation letters to numerous small groups and other organisations. These included our neighbouring district authorities and Parish Councils which abut the District's boundary.
- 5.5 Although the publication of the Draft SCI will represent a new phase in opening out the Council's consultation procedures, there are already significant changes in a number of areas, in terms of how the City Council engages with local communities, the voluntary sector and with other groups and individuals. For example, the Community Strategy, the Local Strategic Partnership and the Winchester4Business initiative are now key elements in the Council's corporate strategy for wider engagement.
- 5.6 These, together with the initiation of and/or involvement in a number of consultation groups, are bringing the Council into a closer and more open relationship with communities and representative groups – a process which is intended to benefit the District, its residents, groups and other stakeholders, as well as building greater confidence and mutual trust.
- 5.7 As outlined above, the Draft Statement indicates that more, carefully targeted, work needs to be carried forward and, at the same time, recognises that what is being mapped out represents a commitment by the Council to consistently and progressively carry forward long-term improvements to community engagement. Additionally, this will require a willingness on the part of the Council, to maintain the provision of adequate resources, including suitably trained and prepared Council staff in all Divisions, together with other support mechanisms - if this approach is to be successfully embedded in each of the City Council's areas of operation.

6. Future Stages

- 6.1 Subject to approval by Cabinet, the Draft Statement of Community Involvement will be published for public consultation, for a period of six weeks, commencing on the 16th March 2006. At the end of this period, the Council will need to consider all the comments received and use these to inform any further changes which may be thought necessary. Such changes will be incorporated in a second, or 'Submission Draft', version of the SCI. This will also be subject to a six-week period of consultation, which will begin when the Submission Draft is submitted to the Secretary of State for independent examination against a number of pre-set criteria, known as 'Tests of Soundness'.
- 6.2 Any representations made at this second consultation stage, together with any new issues raised, will be taken into account by an independent Planning Inspector. Overall, that Inspector will have responsibility for examining the Council's Submission version of the Statement to determine whether, or not, it represents a 'sound' approach to community involvement on the part of the City Council.

- 6.3 After this formal examination stage, which will take place in autumn 2006, the Inspector will recommend any further changes he or she considers to be necessary, or which follow on from the representations received. Such changes will be included in a 'binding' report from the Inspector and will result in a final version of the Statement, to be published and adopted by the City Council in March 2007.

7. The SCI In Relation to the Proposed South Downs National Park

- 7.1 Following a lengthy period of information gathering and analysis by the Countryside Agency, and after a wide ranging programme of public and local authority consultations, the Department for Environment Farming and Rural Affairs (DEFRA) formally announced in December 2002, the Agency's intention to designate a new South Downs National Park. The National Park area, as proposed, would include a significant swathe of chalk upland and other, associated, areas of landscape across East Sussex, West Sussex and eastern Hampshire. A significant part of the Winchester District, much of which currently forms part of the East Hampshire Area of Outstanding Natural Beauty, is subject to this proposed designation.

- 7.2 However, there were sufficient objections to the Agency's proposals to make it necessary for a Public Inquiry to be held. This took place during the period from July 2003 until March 2005. The outcome of that Inquiry and the resultant decision by Central Government, as to whether or not to formally establish a new Park, is currently awaited.

- 7.3 Therefore, the City Council's own Statement of Community Involvement will apply in this part of the District, at least until any decision to confirm the Countryside Agency's Designation Order comes into operation. In the event of any such decision being made, it would then be for a newly appointed National Park Authority, as the new planning authority for the area, to determine what arrangements for community involvement would be put in place, after the date of any formal handover of authority from the City Council, together with all those other local authorities affected by the decision.

8. Conclusions and Recommendation

- 8.1 The publication of a first formal Draft of the Statement of Community Involvement, for public reaction and comment, marks a key stage in its emergence. The results will inform the further development and refinement of the Statement. This underlines what is very much an 'iterative' and adaptable process; and it is this process which is intended to deliver in a Statement of Community Involvement which will can be considered 'sound' in all aspects and can, therefore, be adopted by the Council. It is, therefore, recommended that Cabinet should approve this Draft Statement of Community Involvement, for public consultation.

OTHER CONSIDERATIONS:

9 CORPORATE STRATEGY (RELEVANCE TO):

This draft Statement of Community Involvement is in keeping with, and helps to carry forward, those Corporate Strategies for the Council to encourage and participate in open debate with our residents, to be a learning organisation, sharing best practice and to ensure that everyone can play a full part in the life of their community.

RESOURCE IMPLICATIONS:

Provision is made within the Strategic Planning Division's budget and the Local Plan Reserve, to meet the expected costs of producing and adopting the SCI.

BACKGROUND DOCUMENTS:

Files, correspondence and background papers, held in the Chief Executive's Unit and Development Directorate.

APPENDICES:

Appendix A: 'Statement of Community Involvement: Public Consultation Draft.'