

DECISION TAKER: Councillor Jackie Porter, Cabinet Member for Place and Local Plan

REPORT TITLE: STATEMENT OF COMMUNITY INVOLVEMENT CONSULTATION

9 OCTOBER 2023

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WARD(S): ALL (OUTSIDE SOUTH DOWNS NATIONAL PARK)

PURPOSE

The Statement of Community Involvement (SCI) describes how the public, businesses and interest groups can get involved in the creation of local planning policy, neighbourhood planning and the planning application decision making process aimed at shaping where we live, work and enjoy the natural and built environment. This is essential to help improve understanding and openness of the planning process. It also identifies how people and groups can engage with the planning system in the best way.

The SCI complements the Council's broader commitment contained within the Council Plan with regards to promoting positive community engagement with local communities, businesses, and interest groups. In our consultations, we are always striving for innovation to ensure we get as many responses as possible. The Strategic Planning team recently won two RTPI awards for their consultation methods for going above and beyond to ensure everyone could have their say.

The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (as amended). Once adopted, the Council is legally obliged to comply with its SCI. The Council has to update the SCI every 5 years. The current SCI was adopted in 2018, and therefore it is required to be updated. This version reflects the government's latest planning policy guidance and legislation including the revised National Planning Policy Framework (NPPF, 2021).

Whilst there is no legal requirement to consult on the proposed changes, this paper seeks authorisation for minor changes to the Statement of Community Involvement set out at Appendix 1, to be consulted on for a period of 6 weeks commencing 10th October 2023. Responses and any consequential changes required will then be reported to a meeting of Cabinet Committee for adoption.

RECOMMENDATION:

1. Approve the minor changes to the Statement of Community Involvement as set out at Appendix 1, for public consultation for a period of 6 weeks commencing Tuesday 10th October 2023.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 The primary purpose of the Statement of Community Involvement (SCI) is to set out how the Council will engage with people on the Local Plan and associated documents. The SCI also sets out how the Council expects developers and applicants to engage in effective consultation and engagement as well as identifying how the city council will engage and ask for comments on planning applications as part the development management process. Revising the current SCI ensures that it is up to date with Council's procedures as well as showing the Council commitment in reviewing its consultation practices and ensuring that legal consultation requirements are being followed.

2 FINANCIAL IMPLICATIONS

- 2.1 None direct in terms of preparation and publication of the SCI. The different types and scope of community involvement discussed within the SCI will have various financial implications, particularly in relation to consultation on the Local Plan. These would be financed from the Local Plan budget. There is also a financial implication in terms of how the city council consults and engages with people on development management planning applications. This met from existing development management general budget.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), local planning authorities must review Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. In addition, the revised SCI has been produced in accordance with the statutory requirements of the Planning and Compulsory Purchase Act 2004 (as amended), The Localism Act 2011, The Neighbourhood Planning (General) Regulations 2012, The Community Infrastructure Levy Regulations 2010 and Town and Country Planning (Development Management Procedure) (England) Order 2015. Whilst there is no legal requirement to consult on these proposed minor changes, at a recent

Planning Inspectorate Advisory meeting the Inspector recommended that this would be safest option to avoid a potential challenge that we had not asked people for their views on the proposed minor changes.

4 WORKFORCE IMPLICATIONS

- 4.1 The various types and scope of community involvement discussed within the SCI will require resources to be implemented, which will include staff resources. Delivery of planning engagement is generally undertaken from within the existing workforce.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 The public engagement on the Strategic Issues and Priorities document was recognised by the Royal Town Planning Institute (RTPI) as 'going above and beyond what was expected' and received two RTPI awards including overall South East England award. The SCI needs to be updated to recognise all of the positive ways that the Council is engaging with local residents, communities, organisations and hard to reach groups. The SCI is also being updated to achieve the widest possible engagement on the Local Plan process and will be used during the Regulation 19 consultation. To help ensure that the Local Plan is found to be sound on examination we need to ensure the public and interested people comment on the updated SCI and have an opportunity to feedback on how the Council wishes to engage on the Local Plan and development management planning applications.

- 6.2 The Council must legally comply with its own statutory SCI which the Council previously adopted in December 2018 and world that we live in terms of how we engage with people following COVID has changed in terms of placing a greater emphasis on electronic forms of communication. It is essential that the SCI is updated to reflect these changes. The Strategic Planning team will be seeking feedback on the recommended revisions to the SCI in the consultation. Officers will then make any changes resulting from the public consultation before seeking Cabinet's authority to adopt a revised SCI in December. The updated SCI can then be used for the Regulation 19 LP consultation.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The subject matters of the SCI (planning policies and planning applications) are vital considerations in the delivery of sustainable development. The proposed minor changes to the SCI includes

electronic engagement which does support the Council's climate emergency.

8 PUBLIC SECTOR EQUALITY DUTY

8.1 The revised SCI does not introduce new policy as such but instead updates the existing SCI by way of the minor amendments outlined below. The SCI sets out generally how we will consult widely on planning issues and engage with hard to reach groups. Development Plan Documents will be subject to equality impact assessments to ensure that the policies and proposals are consistent with the Council's Equality Policy.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required. The SCI refers to the need for consultations to comply with data protection legislation in respect of matters such as the use of databases and the retention of information. It also explains the role of anonymity in representations on planning documents and planning applications.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Property No risk identified	N/A	N/A
Community Support Risk of community engagement being considered un-comprehensive or ineffective	Ensure proportionate levels of community engagement. Ensure responses are adequately considered and feedback provided.	SCI provides scope for a variety of approaches to community engagement.
Timescales Engagement needs to be carried out in a timely manner.	Engagement and consultations need to provide clear timelines for responses.	Update the LDS if timescales need to be adjusted for the preparation, consultation and adoption of the Local Plan.
Financial exposure	The SCI has been created in house with resources from within the Built Environment team	N/A
Exposure to challenge	As the Government requires SCIs to be updated every 5 years, going out to a 6 week consultation will help mitigate any risks of potential legal challenge that the SCI has not been appropriately updated at the Local Plan Examination.	N/A

Innovation	In our consultations, we are always striving for innovation to ensure we get as many responses as possible. The Strategic Planning team recently won two RTPI awards for their consultation methods for going above and beyond to ensure everyone could have their say.	Opportunity to use methods developed and used during the 20-21 Covid period to reach a wider demographic and improve access via online events. Improvement of equity of access for those unable to leave home at meeting times.
Reputation	The SCI ensures we adopt the approach in our Council plan: your service your voice and the 'listening better approach'. SCI enhances our reputation and directs developers how to engage too.	Opportunity to enhance view that the Council will use all methods to communicate as widely as possible. The Council will use post Covid methods of communication used, whilst continuing to support those who are not able to us modern technologies
Achievement of outcome	We are following a project plan which controls the outputs of the Local Plan documents in a way to measure time and budget targets.	N/A
Project capacity	Completed in house with officers from the Strategic Planning Policy team	N/A
Other	N/A	N/A

SUPPORTING INFORMATION:

Background

- 11.1 The planning system is often described as being complex and hard to understand by the general public. A key issue is how local communities, individuals and local groups be encouraged to participate in the planning process. The SCI seeks to address this by describing how the public, businesses and interest groups can get involved in the creation of local planning policy and the planning application decision-making process. Ensuring that the planning system is easily understood and is open for everyone, is a key corporate priority for the city council and is essential to help improve understanding and openness of the planning process.
- 11.2 The Council is required to have a Statement of Community Involvement (SCI) that sets out how it will proactively engage and consult with the local community on the Local Plan and associated documents. The SCI also sets how the council expects developers/site promoter to engage on

development management. Having an up-to-date SCI is essential as a Planning Inspector at either the Local Plan Examination or a planning appeal, will consider whether the authority or a developer/site promoter have followed the principles that have been set out in the SCI.

11.2 The last SCI was updated in 2018. Changes to legislation in early 2018 now require that the SCI be reviewed at least every 5 years. This also enables it to be updated to include references to Neighbourhood Plans and the Community Infrastructure Levy, and to reflect changes in the capabilities and use of electronic communications which have affected the way the Council now operates in policy and development management.

11.3 The proposed changes to the SCI provides guidance for the preparation of the revised Local Plan and other local development documents that are intended to be prepared in the next few years.

Content of the SCI

11.4 The SCI contains the following sections:

1. **Introduction.** Explains the legislative background to the SCI. Summarises the process of preparing the new SCI, including the consultation.
2. **Council Planning Engagement.** Sets out general principles for engagement. Outlines the differences between planning policy engagement and involvement in development management. Describes the roles of officers, councillors, parish councils and local MPs. Sets out how the council will communicate with the community, including commitment to equalities and suitable data protection requirements.
3. **Planning Policy.** Describes the local plan documents that may be produced and how they inter-relate. Details the stages in preparation of a Local Plan, Supplementary Planning Documents and Community Infrastructure Levy. Describes the Neighbourhood Plan process and sets out the council's policy for assisting with preparation of a Neighbourhood Plan.
4. **Development Management.** Sets out a general approach to applications and outlines performance standards. Explains the pre-application service. Describes how planning applications are notified, assessed and reported on. Details how to access the council's planning portal and how to comment on applications, including relevant factors for comment. Describes the planning committee process. Sets out the post-decision and appeals procedure. Provides information on the planning enforcement service.

11.6 A review has been undertaken to check that the SCI is still 'fit for purpose' and adjustments have been made accordingly. The proposed minor changes to the SCI include:

- The wording has been changed under the following headings:
 - Strategic planning: reflects more accurately on the methods of consultation that will be used to promote and encourage people to participate and make comments on the emerging Local Plan.
 - Development Management: reflects updates to the pre-application process, contacting officers/requesting planning advice, the new concept master plan process.
 - Neighbourhood Notification: this has been altered in the SCI to give flexibility in the future about how we consult with people

12 Conclusion and Next Steps

12.1 Whilst there is no legal requirement to consult on these proposed minor changes at a recent Planning Inspectorate Advisory meeting the Inspector recommended that this would be the safest option to avoid a potential challenge that we had not asked people for their views on the proposed minor changes.

12.2 It is a requirement of the planning system that the Council produces a Statement of Community Involvement (SCI) which sets out how it intends to involve the local community in the preparation of planning policy documents and the consideration of planning applications. The Council's current SCI needs to be revised to be brought up to date with the Council's consultation practices and National policy, regulations and/or wider corporate practice or objectives and the amendments made because of the public consultation. The recommendation is that the SCI 2023 (Appendix 1) be approved for consultation for a period of 6 weeks commencing 10th October 2023.. The consultation will be on Citizenspace and promoted via:

- Notifications to everyone in email database that has requested to be notified of Reg 18 updates
 - Emails sent to all Town and Parish Councils
 - Inform all councillors
 - Notification of consultation on WCC website
 - Notification of consultation in Parish connect
 - Notification sent to everyone on our Statutory consultee database
- At the end of the consultation, officers will analyse the feedback received and recommend any further changes to the SCI. These changes and the feedback can then be discussed at Cabinet on 24th January 2024 with a view to adopting the updated SCI.

13 OTHER KEY ISSUES

13.1 None

14 OTHER OPTIONS CONSIDERED AND REJECTED

14.1 Options Appraisal

14.2 Option1 proposed because it is important that we have an up to date SCI less than 5 years old to reflect developing communication methods

14.3 Option 2 – retain the existing SCI: to carry on using the previously adopted 2018 SCI. This is not considered an appropriate option because it would mean that the Council have an out of-date SCI. It will also not accord with current arrangements for public consultation and community engagement on planning matters and National policy, regulations and/or wider corporate practice or objectives and will not consider the amendments made because of the public consultation.

14.4 Option 1 is recommended as the preferred option as it would ensure that everyone can provide comments on the revised SCI and this would be in accordance with the advice at the Planning Inspectorate Advisory meeting.

BACKGROUND DOCUMENTS:-

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

PHD776 Statement of Community Involvement FINAL 072318

Other Background Documents:-

None

APPENDICES:

Appendix 1 - Statement of Community Involvement 2023 with tracked changes from 2018 SCI.

Appendix 2 – Equality Impact Assessment of SCI