

REPORT TITLE: ADOPTION OF REVISED STATEMENT OF COMMUNITY INVOLVEMENT IN PLANNING

CABINET (LOCAL PLAN) COMMITTEE 3 DECEMBER 2018

CABINET 12 DECEMBER 2018

REPORT OF PORTFOLIO HOLDER: BUILT ENVIRONMENT

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

PURPOSE

To consider and adopt a revised Statement of Community Involvement (SCI) for the purposes of planning policy and development management within that part of the Winchester District outside of the South Downs National Park. The SCI sets out how the Council will consult and engage with both communities and stakeholders during the preparation of local plans and through the planning application process.

RECOMMENDATIONS:

1. That the document attached at Appendix 2, be approved as the Statement of Community Involvement in Planning (SCI) for the Winchester District (with the exception of that part of the District within the South Downs National Park);
2. That it be recommended to Cabinet that the SCI be adopted by Winchester City Council ;
3. That authority be granted to the Head of Strategic Planning and the Head of Development Management, in consultation with the Portfolio Holder for the Built Environment, to make any necessary edits and minor alterations prior to the publication of the SCI;
4. That the adopted SCI be published by Winchester City Council.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 The Statement of Community Involvement (SCI) supports the development of the Local Plan and other planning policy documents and the processing of planning applications. The successful application of planning policies cuts across all outcomes of the Council Strategy.

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 local plan preparation. These would generally be financed from the Local Plan budget as and when required.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 It is a legal requirement under the Planning and Compulsory Purchase Act 2004 (as revised) for local planning authorities to have a SCI, setting out their approach for community engagement in regard to planning matters. Further legislation now requires these to be updated every five years. The presence of an up-to-date SCI forms part of the consideration of soundness as required for the adoption of the Local Plan and other Development Plan Documents.

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. The delivery of significant community engagement exercises may involve additional resources which will need to be highlighted at project commencement and any necessary budget provision identified.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 To inform matters for inclusion in the refreshed SCI, the Council's online consultation portal Citizenspace was used to seek views on how residents, businesses and any interested parties wished to be informed on planning matters. Notification of the consultation was issued via e- newsletters including parish connect to those on both local plan and development management databases. The survey ran between 9th March and 24th April 2017 and 159 responses were received. The results of the initial survey fed

into the development of the refreshed SCI and a summary of the main points arising was included in the Introduction to the draft SCI.

- 6.2 Following the initial survey, a draft SCI was prepared for consultation as agreed by Portfolio Holder Decision Notice (PHD776). The draft SCI was subject to public consultation for 8 weeks from 24th July – 21st September, via the Citizenspace consultation portal. The same methods of publicity were carried out as for the initial survey. 12 responses were received.
- 6.3 An analysis of the consultation responses received is appended to this report (Appendix 1). The main issues arising and any resulting changes to the SCI are considered further below at 11.7-11.13

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, however there are no environmental implications arising directly from the SCI in itself.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The document does not introduce a new policy. 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
<i>Property</i> No risk identified	N/A	N/A
<i>Community Support</i> 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.
<i>Timescales</i> Engagement needs to be carried out in a timely manner. There are	Engagement and consultations need to provide clear timelines for responses.	Update the LDS if timescales need to be adjusted.

statutory periods for consultations that need to be complied with. Local Plan documents need to be renewed every five years	Project planning for the production of Development Plan Documents to be set out within the Council's Local Development Scheme (LDS).	
<i>Project capacity</i> Insufficient staff resources would impact on the degree of engagement that can be undertaken	Ensure that necessary resources are in place to progress the required engagement.	Undertake joint community consultations on a variety of projects. Adjust extent of engagement if necessary.
<i>Financial / VfM</i> See project capacity above		
<i>Legal</i> DPDs not found sound at examination.	Ensure SCI is adopted and kept up-to-date at least every five years.	Linking the up-dating of the SCI with reviews of Local Plan documents
<i>Innovation</i> A variety of new engagement techniques are now available	Explore use of new technology as means of engagement	Use of non-traditional methods of engagement can engage with a wider audience, including groups that have been traditionally hard to reach.
<i>Reputation</i> Risk to reputation if the Council is perceived to be not engaging sufficiently with the community	Ensure engagement is carried out in a proportionate fashion that can be justified	Ensure SCI sets out realistic expectations for customer engagement in a variety of planning situations.
<i>Other</i>		

11 SUPPORTING INFORMATION:

Background

- 11.1 The Council is required to have a Statement of Community Involvement (SCI) that sets out its approach for involving the community in planning matters – both in relation to planning policy and development management. Planning Inspectors will consider whether the authority has followed the principles set out in the SCI, when assessing whether planning policy documents have been properly prepared.
- 11.2 A revised SCI is required as the Council's existing SCI dates from 2007 and changes to legislation in early 2018 now require that the SCI be reviewed at least every 5 years. With the recent commencement of a review of the Local

Plan, it is an appropriate time to review the form and content of the SCI. 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 A renewed SCI will provide guidance for the preparation of the revised Local Plan which has recently commenced and other local development documents that are intended to be prepared in the next few years, such as those referred to in the LDS elsewhere on this agenda.
- 11.4 As outlined in Section 6 above, views were sought regarding the scope and content of a refreshed SCI in early 2017 and a draft SCI was subsequently prepared during 2018. A consultation was conducted on the draft and this report now appends a finalised SCI for consideration and adoption.

Content of the SCI

- 11.5 The proposed 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 The SCI does not cover community involvement outside of the planning process. The SCI does therefore not apply to council-led projects apart from in relation to their Local Plan policy, SPD or planning application elements.

Key matters raised through the consultation

- 11.7 Responses to the initial consultation held in 2017 were received from a number of groups and organisations - particularly parish councils - as well as from individuals. The main issue raised was the desire to have a variety of means of engagement in planning policy including public meetings, stakeholder discussions and workshops and also to involve specific groups. These methods have been included within the SCI as part of a range of techniques that can be useful for policy formation. Engagement needs to be meaningful and proportionate; therefore these techniques will tend to be most useful for larger-scale exercises. The SCI also encourages groups and individuals to register on the planning policy database to enable them to be contacted directly on planning policy matters.
- 11.8 The majority of comments on the draft SCI published in July 2018 concerned matters relating to development management – notifications on planning applications, the content of planning officers' reports, how applications are referred to committee and site visit protocols. The SCI discusses how the case officer has discretion to undertake further consultations and site visits as required. Case officers can be contacted to discuss applications and may be able to carry out additional site visits. An addition is made to the SCI at 4.26 to make this clear. Many of the other comments relating to planning application procedures raise matters too detailed to be covered in the SCI, however the points raised are addressed in the schedule attached as appropriate.
- 11.9 A specific response was received from a local residents group based in Winchester concerned about lack of involvement, and a number of recommendations are included in the schedule attached to overcome this, including a suggestion to register on the local plan database. This group has also raised the issue of the lack of a parish voice for Winchester. This is a matter beyond the scope of the SCI, but the absence of a parish council should not preclude this group or any others from effectively engaging with the council on planning matters as discussed in the schedule. However, it is considered helpful to make an addition to the SCI at 4.23 to highlight to use of local councillors in these situations.
- 11.10 A smaller number of comments on the draft SCI were made in relation to planning policy matters. Some comments referred to the interrelationships of various planning policy documents, including SPDs and Neighbourhood Plans. The role and status of the various documents is explained in the SCI, but a revised illustration of local plan documents is proposed to make the relationships clearer, replacing the current LDF diagram.

- 11.11 One response highlighted errors in the DPD process diagram and it is considered helpful to correct this and add an additional diagram outlining the process for the preparation and adoption of SPDs. This will assist in explaining both the process of preparation and the opportunities for involvement at the various stages, for the two main types of statutory planning policy documents.
- 11.12 Several comments were received emphasising the role of parish councils. Parish councils are referred to throughout the SCI and no change is necessary.
- 11.13 A number of responses referenced how the SCI consultation was conducted and how future engagement should be carried out. These are discussed in the schedule of responses at Appendix 1 and no change is needed to the SCI.

Other Changes following the draft

- 11.14 Minor additions have been made throughout the SCI in relation to public involvement in the early stages of plan preparation to reflect the Neighbourhood Planning Regulations 2018 and further detail has been added to section 3 on Neighbourhood Plans and Neighbourhood Development Orders.
- 11.15 The 'Development of the SCI' section has been replaced with an updated section describing the process that has been undertaken, from preparation and consultation, to the adoption of the refreshed SCI. Associated removal of Appendix 1 of the draft that referred to the 2017 survey. There has also been some minor updating of the text and editing corrections.

Conclusion and Next Steps

- 11.16 Following the amendments described above, it is recommended that the Statement of Community Involvement in Planning (SCI) as attached at Appendix 2 be adopted as the SCI for the Winchester District outside of the National Park.
- 11.17 Following adoption, the SCI will be publicised and will be made available on the planning policy section of the Council's website. The Council is aiming to become a paper-free organisation and it is not planned to produce paper copies as standard. However, the document can be made available in other formats on request, including paper.
- 11.18 There may be some minor editing required in association with the publication of the SCI and authority is sought to enable the Head of Strategic Planning and the Head of Development Management, in consultation with the Portfolio Holder for the Built Environment, to make any necessary edits and minor alterations prior to the publication of the SCI.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 Local planning authorities are required to have an adopted SCI, therefore no other options are applicable. Details of representations received on the draft SCI are given at Appendix 1 and discussed at 11.7 – 11.13 of this report. This discussion shows where any changes have been made to the draft SCI as a result of the representations, and 11.14 -11.15 indicates where changes are proposed arising for any other reasons.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

PHD776: Statement of Community Involvement in Planning (SCI) Draft for Consultation – 6th August 2018

Other Background Documents:-

Winchester District Statement of Community Involvement - January 2007

APPENDICES:

Appendix 1: Schedule of responses to consultation

Appendix 2: Statement of Community Involvement in Planning 2018