

Statement of Community Involvement in Planning (2022)

Report of the Planning Portfolio Holder

Recommended:

1. That the **Statement of Community Involvement in Planning (2022)**, attached at **Annex 1** to the report, which incorporates the proposed amendments identified in **Annex 2** to the report, be adopted.
2. That the **Head of Planning Policy and Economic Development**, in consultation with the **Portfolio Holder**, be authorised to make changes of a minor nature to improve the presentation and correct typographical errors prior to publication.

SUMMARY:

- The purpose of the Statement of Community Involvement (SCI) is to set out the statutory consultation measures that the Council must undertake when consulting on Planning Policy documents and publicising planning applications
- The SCI complements the Council's broader commitment contained within its Corporate Plan with regards to promoting positive community engagement with local communities, businesses, and interest groups. The preparation of an SCI is a legal requirement and, once adopted, the Council needs to ensure that it operates in accordance with its provisions.

1 Introduction

- 1.1 This report is proposing that, following public consultation, the appended Statement of Community Involvement (SCI) is adopted with the proposed amendments. This is proposed to replace the current SCI (2017). Under regulation 10A of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) the SCI is subject to a 5-year review. When adopted, the Council would need to ensure that consultation in relation to planning policy and planning applications is consistent with the content of this document.

2 Background

- 2.1 Given the complexities of the planning system, a key issue is that local communities, individuals and local groups may not fully understand how they can participate in the planning process. A Statement of Community Involvement (SCI) seeks to address this by describing 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. This is essential to help improve understanding and openness of the planning process.

- 2.2 Whilst the SCI primarily sets out how the Council will engage with communities it also provides useful guidance to help inform developers and applicants on how to undertake effective community consultation activities on draft masterplans and planning applications for major development proposals.
- 2.3 The preparation of a SCI is a legal requirement of the Planning and Compulsory Purchase Act 2004 (as amended) and once adopted, the Council needs to be consistent with its content. 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.
- 2.4 The Council adopted its first SCI in August 2006. Since 2006, the Council has reviewed and updated the SCI on three occasions (December 2009, September 2013, and December 2017) to take into account of changes within planning legislation. An addendum to the 2017 SCI was approved in June 2020 to enable the council to temporarily undertake revised consultation methods whilst coronavirus restrictions were in place. A draft version of the 2022 SCI was approved for consultation by Cabinet on 3 August 2022.
- 2.5 The SCI complements the Council's broader commitment contained within its then current Corporate Plan 2015-2019 to establish mechanisms and processes by which communities in Test Valley can help identify local issues and play a key role in the planning of the places where they live, work, and enjoy their leisure time. This is to be achieved through continuing community engagement, the strengthening of representative and participative democracy and by having community engagement form part of the evidence for making decisions.
- 2.6 The draft SCI (as amended following public consultation) (Annex 1) covers the following aspects of Planning:
- Barriers to Effective Participation
 - Planning Policy
 - Development Plan Documents
 - Supplementary Planning Documents
 - Other Policy Documents and Projects
 - Neighbourhood Planning
 - Community Infrastructure Levy
 - Planning Applications
 - Tree Works

3 Corporate Objectives and Priorities

- 3.1 The current Corporate Plan is focused on how to build upon the strengths of the Borough to improve the quality of life across Test Valley. The priority is to grow the already existing potential of Test Valley's communities, people, and local environment. This will be achieved by supporting local communities to plan for their needs in conjunction with councillors to develop their community leadership role.

- 3.2 The SCI also complements the approach to community involvement and partnership of the Andover Vision, Romsey Future, and the Council's Community Planning Toolkit which provides further guidance on community planning initiatives. These documents promote the Council's commitment in engaging with local communities as well as facilitating innovative opportunities to encourage participation in Council services.

4 Consultations/Communications

- 4.1 The involvement of the public and organisations in the preparation of planning policy documents is an integral part of the process.
- 4.2 The Council has undertaken consultation on its previous SCI documents. It is also good practice to do so as it demonstrates the Council's commitment in strengthening public engagement opportunities within the Planning System and maximises the reach into the community and assists in fulfilling the council's equalities obligations.
- 4.3 On 3 August 2022 the Cabinet agreed to consult on the draft 2022 version of the SCI. The consultation ran initially from 2 September 2022 to 28 October 2022 (an eight-week period). The consultation was repeated from 11 November 2022 to 16 December 2022 allowing a further five-week period for comments to be made. The consultation was repeated as it became apparent that not all consultees intended to be informed of the proposed SCI received notification at the time of the original consultation. Representations received during the initial consultation did not need to be resubmitted and were considered in finalising the document. Statutory consultees were notified of the consultation in advance of the start date with the document also being advertised on the council's website.
- 4.4 A total of eighteen representations were received during the public consultation periods. A summary of their comments, and an officer response and any consequent proposed amendments are included within Annex 2. Additionally, further non-substantive amendments have been made to improve the overall legibility and style of the document.

5 Options

- 5.1 The Cabinet of August 2022 agreed that an updated draft SCI 2022 be published for public consultation with the aim of replacing the current SCI 2017 as it contained outdated advice in terms of process and public consultation arrangements, and it is not particularly user friendly. The options to consider are whether or not to adopt the draft document incorporating the amendments (Annex 2) which follow the public consultation, or to retain the current SCI.

6 Option Appraisal

6.1 Option 1 – Adopt a new SCI

To adopt the revised SCI incorporating the amendments in Annex 2 (recommended). This will ensure that the Council is complying with legislation to review the SCI every 5 years and to have an up-to-date SCI. The updated SCI would accord with current arrangements for public consultation and community engagement on planning matters.

6.2 The representations from the public have shown a keen interest in being involved in, and informed of, planning application consultations. Concerns have been raised regarding the weight given to parish council comments. Any representations made by Parish Councils which raise matters that are material to the development proposed will be considered as part of the assessment and decision-making process relating to planning applications.

6.3 Recommendations have been made from representations received from the public consultation relating to the style and legibility of the document and, in this regard, we have removed all hyperlinks from the document and instead added them to footnotes along with web addresses.

6.4 Some representations expressed the view that the process of submitting bids for CIL funding is unclear and therefore a detailed explanation has been added to paragraph 10.8.

6.5 Representations received requested clarity on specific consultative bodies and statutory consultees and how they differ. This has now been clearly defined in the glossary.

Option 2 – retain the existing SCI

6.6 To carry on using the previously adopted 2017 SCI. This is not considered to be 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.

6.7 Option 3 to adopt some alternatively worded SCI

6.8 Option 1 has been prepared on the basis of professional officer input and with the benefit of public consultation and is therefore recommended in preference to Options 2 and 3.

7 Risk Management

7.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes / issues covered do not represent significant risks or have previously been considered by Councillors at Cabinet on 3 August 2022.

8 Resource Implications

- 8.1 The SCI is a requirement of Section 18 of the Planning and Compulsory Purchase Act 2004 with the Council being legally obliged to comply with the SCI once it is adopted. Provision has been made in budgets for the implementation of the Local Development Framework, including the production of the SCI.

9 Legal Implications

- 9.1 Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)¹, 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.

10 Equality Issues

- 10.1 An EQIA is not needed because a full EQIA screening was completed in accordance with the Council's EQIA methodology for 3 August 2022 Cabinet and no potential or unlawful discrimination and/or low level or minor negative impact were identified. This has not changed since the draft document was subject of public consultation and revised in light of representations received.

11 Other Issues

- 11.1 Community Safety – no direct issues
- 11.2 Environmental Health Issues – no direct issues
- 11.3 Sustainability and Addressing a Changing Climate – no direct issues
- 11.4 Property Issues – no direct issues
- 11.5 Wards/Communities Affected – all Wards

12 Conclusion

- 12.1 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

¹ [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

practices and National policy, regulations and/or wider corporate practice or objectives and the amendments made because of the public consultation
 Following the outcome of public consultation, the recommendation is that the SCI 2022 (Annex 1) incorporating the proposed amendments and further changes to improve the overall legibility and style of the document be adopted.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Corporate Plan 2019-2023			
Statement of Community Involvement 2017			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	2	File Ref:	Pp1.1
(Portfolio: Planning) Councillor P Bundy			
Officer:	Pam Ciurtin	Ext:	8260
Report to:	Cabinet	Date:	18 January 2023