

Wiltshire Council

Cabinet

14 July 2020

Subject: Statement of Community Involvement

Cabinet Member: Cllr Toby Sturgis Cabinet Member for Spatial Planning, Development Management and Property

Key Decision: Key

Executive Summary

The Statement of Community Involvement (SCI) is a statutory document that must be reviewed every five years. The Council's current SCI was last updated July 2015 and while it generally remains, fit for purpose, since then further legislative changes have been made about its content that need to be considered.

The SCI has therefore been reviewed to bring it into compliance with legislation and improve its format. It will allow for communities, stakeholders and the public to understand how to participate in planning matters and has been written in a format to provide information on when engagement will take place, how it will take place and how comments made will be used. It takes into consideration communication and engagement through social media and digital platforms, as well as more traditional methods and reflects the desire of the Council to encourage people to engage in place shaping for their communities through early engagement in plan making and on planning applications.

In addition to the revised SCI, temporary arrangements also need to be put in place in the light of the COVID-19 situation and to ensure that plan-making and decision making on planning applications can continue, and community engagement is reasonable and effective in these circumstances.

The SCI temporary arrangements set out, where necessary, amendments to the SCI to promote effective community engagement by means which are reasonably practicable while adhering to government guidance targeted at controlling the spread of COVID-19.

Adoption of the revised SCI and temporary arrangements is timely, as it will enable the consultation on the Local Plan review programmed this year to take place on the in accordance with an up to date SCI.

Proposal(s)

That Cabinet:

- (i) Approves the Statement of Community Involvement as set out in **Appendix 1**.
- (ii) Approves the Statement of Community Involvement 'Temporary Arrangements' as set out in **Appendix 2**.
- (i) Recommends to 21 July 2020 Full Council that the Statement of Community Involvement and Temporary Arrangements, as set out in (i) and (ii) above are adopted.
- (ii) Recommends that Full Council, delegates authority to the Director for Economic Development and Planning in consultation with the Cabinet Member for Spatial Planning, Development Management and Property to: make amendments to (i) and (ii) in the interests of clarity and accuracy before publishing it on the Council's website; and determine when the Temporary Arrangements in (ii) cease to have effect.

Reason for Proposal(s)

To ensure that a revised SCI is in place that meets legislative requirements, is up to date and fit for purpose. Alongside adoption of the SCI, temporary arrangements will need to be in place, until they are no longer needed, due to the COVID-19 situation to ensure community involvement continues to take place in a safe way.

Terence Herbert
Chief Executive Officer

Wiltshire Council

Cabinet

14 July 2020

Subject: Statement of Community Involvement

Cabinet Member: Cllr Toby Sturgis Cabinet Member for Spatial Planning, Development Management and Property

Key Decision: Key

Purpose of Report

1. To:

- (i) Approve a revised Wiltshire Statement of Community Involvement, which sets out how the Council will engage with the community and stakeholders on planning matters;
- (ii) Approve Temporary Arrangements to (i) in response to COVID-19.
- (iii) Recommend that Council on 21 July 2020 formally adopt the revised Statement of Community Involvement and Temporary Arrangements.
- (iv) Recommends that Full Council, delegates authority to the Director for Economic Development and Planning to: make minor amendments to (i) and (ii) in the interests of clarity and accuracy before publishing it on the Council's website; and determine when the Temporary Arrangements in (ii) cease to have effect

Relevance to the Council's Business Plan

- 2. The Wiltshire Business Plan 2017-2027 seeks to create strong communities in Wiltshire both through the delivery of growth to provide resilient and sustainable places, and to enable those who live, work and do business in Wiltshire to shape their communities themselves.
- 3. Wiltshire Council's Statement of Community (SCI) Involvement has community involvement in place-shaping at its heart. It sets out when and how communities and stakeholders can be involved in the Council's planning duties for the future use of land in its area.

Background

- 4. The existing SCI was adopted by Council on 14 July 2015 (papers can be accessed via this [link](#)).
- 5. The SCI sets out how the Council will engage with the community and stakeholders on plan making and decision taking on planning applications. It is

a statutory document that the Council, as Local Planning Authority, is required to prepare and keep up to date.

6. The SCI is a statutory document which the Council is required to prepare under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) and whilst this is a required document to support plan making and decision taking on planning applications, there is no prescribed format, nor is there any requirement to consult when reviewing and updating an SCI¹.
7. Since the 2015 SCI was adopted, changes to legislation have been made requiring SCIs to be reviewed every five years from the date of adoption. In addition, the Neighbourhood Planning Act 2017 introduced new provisions requiring the SCI to set out the local planning authority's policies for giving advice and assistance for the preparation of neighbourhood plans.
8. The Government's [planning practice guidance](#) in response to the COVID-19 pandemic advises that:

“Local planning authorities will need to assess their Statements of Community Involvement to identify which policies are inconsistent with current [guidance on staying at home and away from others](#) or any superseding guidance”; and “should then make any temporary amendments that are necessary to allow plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable.”

9. For decision making, the [guidance](#) also reflects temporary regulations for publicity arrangements in relation to planning applications and consents that provide local planning authorities with greater flexibility.

Main Considerations for the Council

10. The current SCI was adopted on 14 July 2015 and is thus reaching its five year anniversary. With the proposed consultation on the Local Plan Review this year, this updated version of the SCI is considered timely.
11. The revised SCI is set out at **Appendix 1**. There are no major changes to the content from the adopted 2015 version, which continues to provide a basis for the SCI. Changes are made to:
 - (i) the layout and form of the document to make it easier to understand and use;
 - (ii) the engagement methods to reflect the wider use and potential of social media and digital communication, as well as more traditional forms; and
 - (iii) reflect the latest legislation and guidance contained in the Government's planning practice guidance, in particular the support of the Council in relation to neighbourhood planning.

¹ Planning Practice Guidance Plan-making <https://www.gov.uk/guidance/plan-making>. Paragraph 035 Reference ID: 61-035-20190723

12. In addition to the revised SCI, temporary arrangements also need to be put in place in the light of the COVID-19 situation and to ensure that plan-making and decision making on planning applications can continue, and community engagement is reasonable and effective in these circumstances. The interim arrangements are set out at **Appendix 2** and will sit alongside the SCI temporarily replacing some of the policies within it. The main alterations for plan making relate to face to face engagement methods and the availability of hard copies at deposit points. For decision making, these reflect the methods that have been in place already in line with the temporary regulations.
13. For all consultations and community involvement, the Council will carefully consider whether it is safe, feasible and appropriate to carry this out in a way that does not prejudice the ability of people to be engaged in terms of fairness and equality.

Overview and Scrutiny Engagement

14. The Chairman and Vice-Chairman of the Environment Select Committee were given a briefing on 1 July 2020 on the general principles underlying the SCI and temporary arrangements under COVID-19, which they agreed with. It was noted that the detailed papers will be published in the Cabinet agenda.

Public Health Implications

15. Planning has, at its heart, sustainable development to meet the employment, housing and infrastructure needs of the community to help foster their wellbeing; and has potential to reduce the inequalities that impact negatively on the health of the population. Well planned development, with high quality design, open space, recreation facilities and appropriate infrastructure all supports healthy communities. Engaging with the community and stakeholders, including public health bodies, will ensure that their views and needs are taken into consideration in plan making and decisions about how places are shaped.
16. The temporary amendments to the SCI are in direct response to the COVID-19 situation and designed to ensure that consultation is undertaken in a safe way having regard to national guidance. These arrangements will need to remain in place until such time as it is safe to return to the full SCI.

Procurement Implications

17. There are no direct procurement implications arising from this report.

Equalities Impact of the Proposal

18. The purpose of the SCI is to ensure that everyone who wishes to has the ability to be engaged in and to help shape the areas in which they live and work through both plan making and in decisions made for individual planning applications. The SCI recognises the Equality Act 2010, and that the Council will promote equality and diversity in undertaking its duties and not unfairly discriminate against anyone who wishes to participate in the planning system

Environmental and Climate Change Considerations

19. The SCI will ensure a variety of stakeholders, including environmental bodies, and members of the community are involved in plan making and planning decisions; enabling their views on such matters to be taken into consideration. Digital methods of communication and engagement has benefits e.g. reducing the need to travel.

Risks that may arise if the proposed decision and related work is not taken

20. It is important that Wiltshire maintains an up to date SCI setting out how the community will be involved in planning. This is a legislative requirement and failure to maintain an up to date SCI could result in intervention by the Secretary of State.
21. If the SCI is not updated, the Council will not have a clear set of consultation procedures for the Local Plan review, other development plan documents or for planning applications which comply with the latest legislation. An update is now due as the adopted SCI must be reviewed every five years.
22. The Council is required to demonstrate that it has complied with an up to date SCI during the examination of development plan documents. A revised SCI is needed in time for the consultation on the Local Plan review due to commence this year.
23. Putting the temporary arrangements in place alongside the SCI will ensure that community involvement can occur in a way that is safe to do so during the pandemic consistent with guidance.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

24. If the SCI and temporary arrangements are approved and recommended for adoption by full Council, the Council will need to comply with them in undertaking related consultations. The SCI should be monitored, and further reviews may be appropriate in advance of it being five years old.
25. The temporary arrangements will need to cease when it is safe to do so in line with government guidance about COVID-19, and the full SCI used as intended.

Financial Implications

26. Updating the SCI will ensure that the Council can undertake consultation on planning matters in the most efficient and effective way, helping ensure that the financial costs of consultation can be minimised. For plan making this means having enough flexibility to develop appropriate consultation strategies proportionate to the plan that is being prepared.

Legal Implications

27. Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) provides that a Local Planning Authority must prepare a SCI. The SCI is also prepared to secure compliance with the Town and Country Planning (Local Planning)(England) Regulations 2012 and with regard to requirements of the National Planning Policy Framework and Planning Policy Guidance.
28. The Neighbourhood Planning Act 2017 (Commencement No3) Regulations 2018 brought in force changes required to be made to SCIs prescribed by the Neighbourhood Planning Act 2017 (namely sections 6 and 13 of the Act which amended section 18 Planning and Compulsory Purchase Act 2004.)
29. Updating the SCI will ensure that the Council is compliant with Regulation 10A Town and Country Planning (Local Planning) (England) Regulations 2012 for a 5 year review of the current SCI and new requirements which came into force since the 2015 SCI was adopted.

Workforce Implications

30. The SCI and temporary arrangements will have workforce implications for services across the Council particularly in the Directorate of Economic, Development and Planning, in so far as they will need to ensure they implement the SCI consistent with their duties.

Options Considered

31. The options for the Council are limited given that there is a statutory requirement to review the SCI every five years and that review is now due. In addition, there is an immediate need to ensure that there are temporary arrangements in place that adapt the SCI to the current COVID-19 situation to ensure community involvement takes place in a safe way.

Conclusions

32. There is a requirement to review the SCI every 5 years to ensure it remains robust and fit for purpose. The current SCI is generally considered to be fit for purpose but a change in format to make it easier to use, and revisions are needed to reflect the latest legislative requirements and communication methods. The updated SCI will ensure that the best use of resources is made, both in terms of financial and staffing resources to ensure efficient and effective plan and decision making; and so that consultation can be meaningful and appropriate, particularly with the local community.
33. On adoption the revised SCI will not be able to be brought into full effect immediately due to the ongoing restrictions around the COVID-19 situation and the need to involve the community and stakeholders in plan making and planning decisions in a safe way. In these circumstances, a second document setting out temporary arrangements should also be adopted.

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Appendices

Appendix 1: Wiltshire Council Statement of Community Involvement, June 2020

Appendix 2: Wiltshire Council, Statement of Community Involvement - Temporary Arrangements, June 2020

Background Papers

None