

WILTSHIRE COUNCIL

CABINET

11 February 2010

WILTSHIRE COUNCIL STATEMENT OF COMMUNITY INVOLVEMENT

Cabinet member: Councillor John Brady

Executive Summary

The Wiltshire Council Statement of Community Involvement (SCI) is a statutory document that sets out how the Council will involve the community when preparing planning policy and determining planning applications in Wiltshire. The SCI has been prepared in accordance with Regulations and national planning policy, and has been informed by a pre-draft consultation with statutory consultees.

This report informs the Cabinet of the Statement of Community Involvement, and recommends that it be approved and referred to Full Council for adoption.

Proposal

That the Cabinet:

- (i) Approves the content of the Wiltshire Council Statement of Community Involvement;
- (ii) Authorises the Service Director for Economy and Enterprise, in consultation with the Cabinet Member for Economic Development, Planning and Housing, to make any incidental corrections to the document; and
- (iii) Recommends to Full Council on 23 February 2010 that the SCI should be formally adopted by the Council.

Reason for Proposal

To ensure that Wiltshire Council has a Statement of Community Involvement in place in order to provide a clear set of consultation procedures for Local Development Documents and planning applications across the county.

ALISTAIR CUNNINGHAM

Service Director, Economy and Enterprise

CABINET

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WILTSHIRE COUNCIL STATEMENT OF COMMUNITY INVOLVEMENT

Purpose of Report

1. To seek approval for the Wiltshire Council Statement of Community Involvement (SCI).

Background

2. The SCI describes how the Council will involve the community in planning for the future use of land in their area and how planning can achieve local, open, honest decision making in Wiltshire. It explains who Wiltshire Council will consult on planning matters, and how and when the community can become involved in the preparation of planning policy documents and the determination of planning applications. Once adopted, the procedures contained within the SCI must be followed for consultation on all Local Development Documents (LDDs) and all planning applications within Wiltshire.
3. The Local Government Transitional Regulations has allowed Wiltshire Council, as a new unitary authority, to operate without an SCI while a new one is prepared. This is to prevent confusion arising from different consultation criteria applying in different parts of Wiltshire. The SCIs which were adopted by the former district and county councils are therefore no longer in formal use.
4. 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 part of the process, Regulation 26 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended in 2008 and 2009) requires that Wiltshire Council should consult with certain bodies before preparing an SCI.
5. The Local Development Scheme (LDS) for Wiltshire, approved by the Implementation Executive in December 2008, sets out the timetable and documents that will be produced by Wiltshire Council to update planning policy within the county. The LDS includes a timetable for the preparation of a new SCI for Wiltshire, with a target date for finalising the SCI by June 2009. This timetable has since been amended on the Council's website, with a new target date for adoption of the SCI by the end of February 2010. It is necessary that a new SCI for Wiltshire is adopted as soon as possible, in order to provide a clear set of consultation procedures to be used across the county.

Main Considerations for the Council

6. The main considerations for the Council are to understand how the SCI has been prepared including details of the pre-draft consultation and the proposed content of the SCI. These are discussed below.
7. The content of the SCI has been prepared to reflect government guidance in Planning Policy Statement 12 (PPS12), which states the following:

An SCI should:

- *Explain clearly the process and methods for community involvement for different types of local development documents and for the different stages of plan preparation. This needs to include details of how the diverse sections of the community are engaged, in particular those groups which have been underrepresented in previous consultation exercises.*
 - *Identify which umbrella organisations and community groups need be involved at different stages of the planning process, with special consideration given to those groups not normally involved.*
 - *Explain the process and appropriate methods for effective community involvement in the determination of planning applications and where appropriate refer to Planning Performance Agreements.*
 - *Include details of the Local Planning Authorities (LPAs) approach to pre-application discussions.*
 - *Include the LPAs approach to community involvement in planning obligations (S106 agreements).*
 - *Include information on how the SCI will be monitored, evaluated and scrutinised at the local level.*
 - *Include details of where community groups can get more information on the planning process, for example, from Planning Aid and other voluntary organisations.*
 - *Identify how landowner and developer interests will be engaged.*
- (p.12, PPS12, 2008)

8. The proposed SCI is attached to this report as **Appendix 1**. The SCI has been prepared in accordance with Regulations, which require that the Council carries out a pre-draft consultation to inform the content of the SCI. Details of the pre-draft consultation, which was undertaken between June and July 2009 are provided below in paragraphs 11 - 16.
9. In addition to the pre-draft consultation, the SCI has been informed by internal consultation with other Council directorates, in particular Development Services and Community Leadership and Governance, and has been approved by the LDF Board. This has provided an opportunity for other Wiltshire Council departments to contribute to the SCI, leading to a more corporate document reflecting the Wiltshire Council priority of 'open honest dialogue with the community'.

10. The SCI has also been informed by the Wiltshire 2026 consultation, which ran between 30 October and 31 December 2009. The response to the Wiltshire 2026 consultation will help inform the development of a Core Strategy for Wiltshire.

Pre-draft consultation

11. The aim of the pre-draft consultation was to collect views from statutory consultation bodies, as to the form and content of the new Wiltshire Council SCI. At this stage, since the former district and county SCIs had already been the subject of consultation exercises, it was not considered appropriate to undertake wider public consultation. Instead, a review of the former district and county SCIs was carried out to identify best practice and inform the development of the new Wiltshire Council SCI.
12. As part of the pre-draft consultation, a letter was sent to all statutory consultees, explaining that Wiltshire Council was intending to prepare a new SCI. This invited comment as to what the new SCI should contain with responses requested by 19 June 2009. A number of consultees sought further information and an extension of the consultation period. In response to this request, a second letter was circulated. This second letter included a link to the former district and county SCIs, to give an indication as to what an SCI might include and inform consultees of an extended deadline for responses of 3 July. The consultation therefore ran for a total of 5 weeks. However, responses received after the extended deadline have also been taken into account.
13. In line with the list of statutory consultees for the pre-draft consultation on the SCI, as set out in Regulation 26, the following bodies were contacted as part of the consultation:
 - Town and parish councils within or adjacent to Wiltshire.
 - Neighbouring local planning authorities and county councils.
 - Police authorities operating within or adjacent to Wiltshire.
 - The regional planning body for the South West.
14. A total of 68 responses were received, including responses from 46 town and parish councils, from Wiltshire Police Authority, and from two neighbouring county councils (some of these bodies responded more than once). A number of responses were received from other groups and individuals. These included five responses from community area partnerships (or similar bodies), a response from the umbrella organisation for community area partnerships in Wiltshire (WFCAP), and seven responses from other groups or individuals. All of the comments received have been taken into account during the preparation of the Wiltshire Council SCI.
15. Key points from the consultation responses included that the SCI should be written in plain English, and that it should include details about what happens to consultation responses and how these are used when

making decisions. It was stated that the SCI should include information about community area boards and community area partnerships. The consultation also highlighted the fact that town and parish councils wish to remain involved in planning processes despite the current focus on area boards. Comments were received which related to the methods of community involvement to be used, and appropriate timescales for consultation. In addition, a number of comments related specifically to the procedures for consultation on planning applications.

16. Further details of the pre-draft consultation, including a schedule of each of the comments received and the Council's response to these, is provided in the 'Pre-draft consultation report' which is attached as **Appendix 2**. Due to the length of this document, Appendix 2 is available from the Council's website http://www.wiltshire.gov.uk/wiltshire_statement_of_community_involvement_pre-draft_consultation_report_january_2010.pdf or on request from Democratic Services on 01225 713018 or committee@wiltshire.gov.uk

Content of the SCI

17. The SCI explains in detail the Council's policy for engaging the community in the preparation of the Wiltshire Local Development Framework (LDF) and in the consideration of planning applications. The principles in the SCI will also guide consultation on the Local Transport Plan (LTP), although the processes for consultation on the LTP are different to those for the LDF. In drafting the SCI, which is a statutory document, Officers have sought to balance the need for clarity in order to make it accessible to the community and meet the requirements of the Regulations.

18. The content of the SCI can be summarised as follows:

Chapter 1 provides an introduction to the SCI and the planning system, and explains the way in which planning is delivered in Wiltshire through the spatial planning and development services.

Chapter 2 contains details of the Wiltshire community to identify who Wiltshire Council will consult on planning matters. This includes lists of specific consultation bodies, and the groups which form the local and extended communities. This chapter explains how Wiltshire Council will seek to involve groups which have traditionally been under-represented in the planning process. The approach to be taken to engage with landowners, infrastructure providers and developers is set out. Links with existing community initiatives and the LTP are also explained.

Chapter 3 introduces the methods of consultation which Wiltshire Council will use and how these will be resourced. This includes an introduction to the Limehouse software for electronic consultation.

Details of the consultation methods to be used are presented in appendix 1.

Chapter 4 explains how and when the community can become involved in the production of planning policy documents in Wiltshire. It explains the minimum legal requirements for consultation, and the steps that the Council will take to meet and exceed these requirements. This chapter includes details of the consultation to be undertaken during the preparation of Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs) and Sustainability Appraisal (SA). A commitment is made that consultation periods for DPDs will follow the guidelines set out in the Wiltshire Compact where practicable. Information is also included about other supplementary documents, such as village design statements, town and parish plans, and conservation area appraisals and management plans, and how these can be incorporated within the LDF.

Chapter 5 explains how and when the community can become involved in the determination of planning applications in Wiltshire. This includes information about the public involvement to be undertaken on major development applications, and the Council's approach to pre-application discussions and planning obligations.

Chapter 6 outlines how Wiltshire Council will monitor the success of consultation initiatives, and sets out how and when the Council will review the SCI.

In addition to the above, the SCI includes a glossary of terms and contact details for further information about the Wiltshire LDF and planning applications within the county.

19. The content of the SCI is considered to fulfil the requirements of PPS12, as set out in paragraph 7 above. The SCI also responds to the issues raised during the pre-draft consultation exercise, and reflects the outcomes of internal consultation. Furthermore, it integrates Wiltshire Council's community governance arrangements into the planning policy preparation process.

Environmental Impact of the Proposal

20. There are no environmental implications for the Council involved in adopting the SCI.

Equalities Impact of the Proposal

21. The aim of the SCI is to allow opportunities for involvement in the planning process by all sections of the community. The SCI includes details as to how the Council will seek to engage with 'hard to reach'

groups which have traditionally been under-represented in the planning process.

Risk Assessment and Options Considered

22. The Council has a statutory duty to prepare an SCI. The original target date for adoption of the SCI has passed. If the Council decides not to adopt the SCI there will be further delay to the production of a set of clear consultation procedures to be used across Wiltshire.

Financial Implications

23. The cost of preparing the SCI has been met through existing budgets. There will be financial implications associated with the delivery of community involvement activities and consultation as set out in the SCI. These costs will need to be met from existing and future budgets. Care has been taken to ensure that the level of consultation proposed in the SCI is proportionate to the document to be consulted on and that the Council does not incur unreasonable costs in the process.

Legal Implications

24. The Council has a statutory duty to prepare an SCI under Section 18 of the Planning and Compulsory Purchase Act 2004.
25. There are statutory requirements for consultation on LDDs and planning applications which the Council has to meet. However, the SCI goes beyond these minimum requirements, and includes a commitment that the spatial planning and development services will endeavour to comply with the consultation guidelines set out by the Wiltshire Compact where practicable. The Secretary of State has various broad powers of intervention where local authorities do not comply with their duties related to the LDF process.

Conclusion

26. The Wiltshire Council SCI has been prepared in accordance with the regulations and reflects policy contained within PPS12. Internal consultation has been undertaken during the process of preparing the SCI. A pre-draft consultation has been undertaken with statutory consultees, and the issues raised in this consultation have been taken into account in the preparation of the SCI. The SCI has also been informed by the methods used for the Wiltshire 2026 consultation, which ran between 30 October and 31 December 2009.
27. Wiltshire Council does not currently have an SCI in place. The former district and county council SCIs are no longer being used for the

preparation of LDDs or during the determination of planning applications by Wiltshire Council. The Council has a statutory duty to prepare an SCI, and the LDS target date for adoption of an SCI has passed. There is therefore a need for a new Wiltshire Council SCI to provide a clear set of consultation procedures to be used across the county.

28. It is recommended that the Cabinet approves the content of the proposed SCI and agrees to refer the SCI to Full Council on 23 February 2010, with a recommendation that the Council adopts the document. Once adopted, the procedures in the SCI must be followed for consultation on all LDDs and all planning applications within Wiltshire.

Appendices

Appendix 1 – Proposed SCI (attached)

Appendix 2 – Consultation responses

(available from the Council's website

http://www.wiltshire.gov.uk/wiltshire_statement_of_community_involvement_pre-draft_consultation_report_january_2010.pdf or on request from Democratic Services on 01225 713018 or committee@wiltshire.gov.uk