

Statement of community involvement

Temporary arrangements

DRAFT

June 2020

Wiltshire Council

Wiltshire Council

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1. Introduction

- 1.1. Wiltshire Council, as the local planning authority, must maintain a Statement of Community Involvement (SCI). The SCI is a legal requirement under the Planning and Compulsory Purchase Act 2004 and sets out how we will engage with our local communities and stakeholders on planning matters including both plan-making and decision taking.
- 1.2. Wiltshire Council adopted a revised Statement of Community Involvement INSERT DATE. This document sets out temporary amendments to that document in the light of the coronavirus (COVID-19) pandemic.
- 1.3. Following the outbreak of COVID-19 the government introduced measures to help combat the spread of the virus for which all members of society are required to adhere. The Ministry for Housing Communities and Local Government has also issued some COVID-19 guidance to Council's outlining the implications for local planning authorities¹. These implications impact the way in which Wiltshire Council can engage with communities and the ability to comply with the procedures set out in within the SCI.
- 1.4. Local authorities are required to assess their SCI to identify which policies are inconsistent with current guidance on staying at home and away from others or any superseding guidance targeted at controlling the spread of COVID-19².
- 1.5. This statement sets out, temporary amendments to the SCI that are necessary to allow the community and stakeholders to continue to engage with planning matters, adapting to restrictions on activities, and so that plan preparation and decision making on planning applications can continue effectively with good community engagement through reasonably practicable means.
- 1.6. When assessing the necessary amendments, Wiltshire Council must give regard to current legislation governing many of the planning activities undertaken to ensure conformity is maintained while having regard to Government guidance and advice, for example:
 - Plan making: The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
 - Neighbourhood Planning: Neighbourhood Planning (General) Regulations 2012 (as amended)
- 1.7. In some instances, superseding legislation³ has been issued in response to COVID-19 guidance allowing for greater flexibility when undertaking the methods of community involvement that would normally occur when carrying out planning duties.
- 1.8. Although the SCI primarily deals with planning matters, the principles within also steer consultation on other certain other plans such as the Local Transport

¹ Planning Practice Guidance, available from <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

² Planning Practice Guidance, paragraphs 77 – 78 <https://www.gov.uk/guidance/plan-making#covid19>

³ Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, which postpones all neighbourhood plan referendums due between 16 March 2020 and 5 May 2021 until 6 May 2021. Also, new temporary regulations allowing for flexibility to take other reasonable steps to publicise applications through the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.

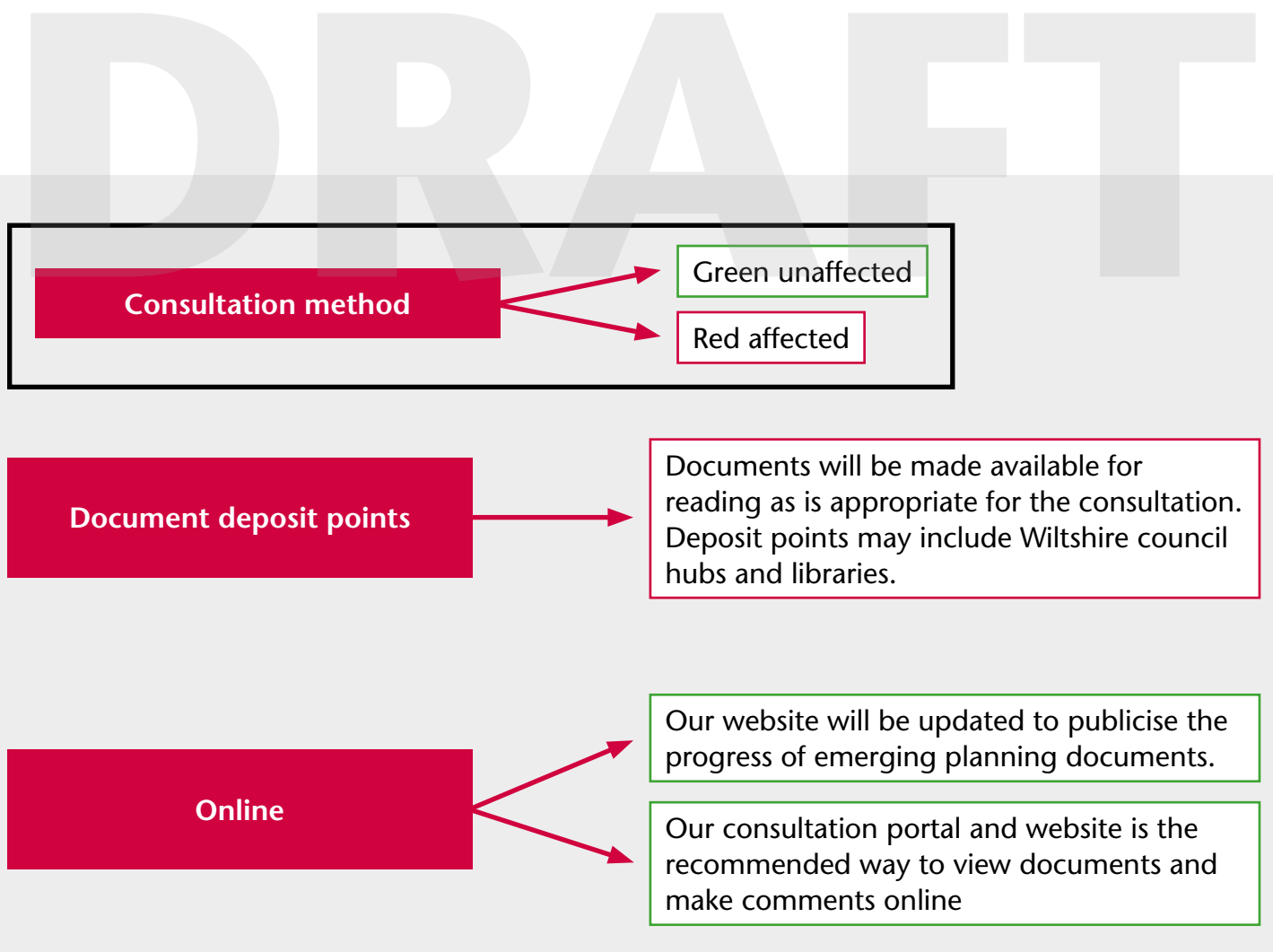
Plan and the Community Infrastructure Levy. Consequently, the principles within this statement also cover the interim arrangements Wiltshire Council will seek to deploy when undertaking the community involvement necessary to progress these documents.

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2. Statement of interim arrangements

Plan Making

- 2.1. Local planning authorities should make any temporary amendments to the SCI that are necessary to allow their plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable⁴.
- 2.2. Wiltshire Council is committed to ensuring effective community engagement forms an integral part of plan making. As part of this commitment, Wiltshire Council use a variety of consultation methods, ensuring that those used are proportionate to the scale and impact of the proposal, appropriate to those we need to consult and within available resources.
- 2.3. Figure 1 provides a non-exhaustive list of the most commonly used methods regularly relied upon by the community. It shows which of these we anticipate are affected by current restrictions, and require review, in accordance with COVID-19 Guidance.



⁴ Planning Practice Guidance, paragraph 78 <https://www.gov.uk/guidance/plan-making>

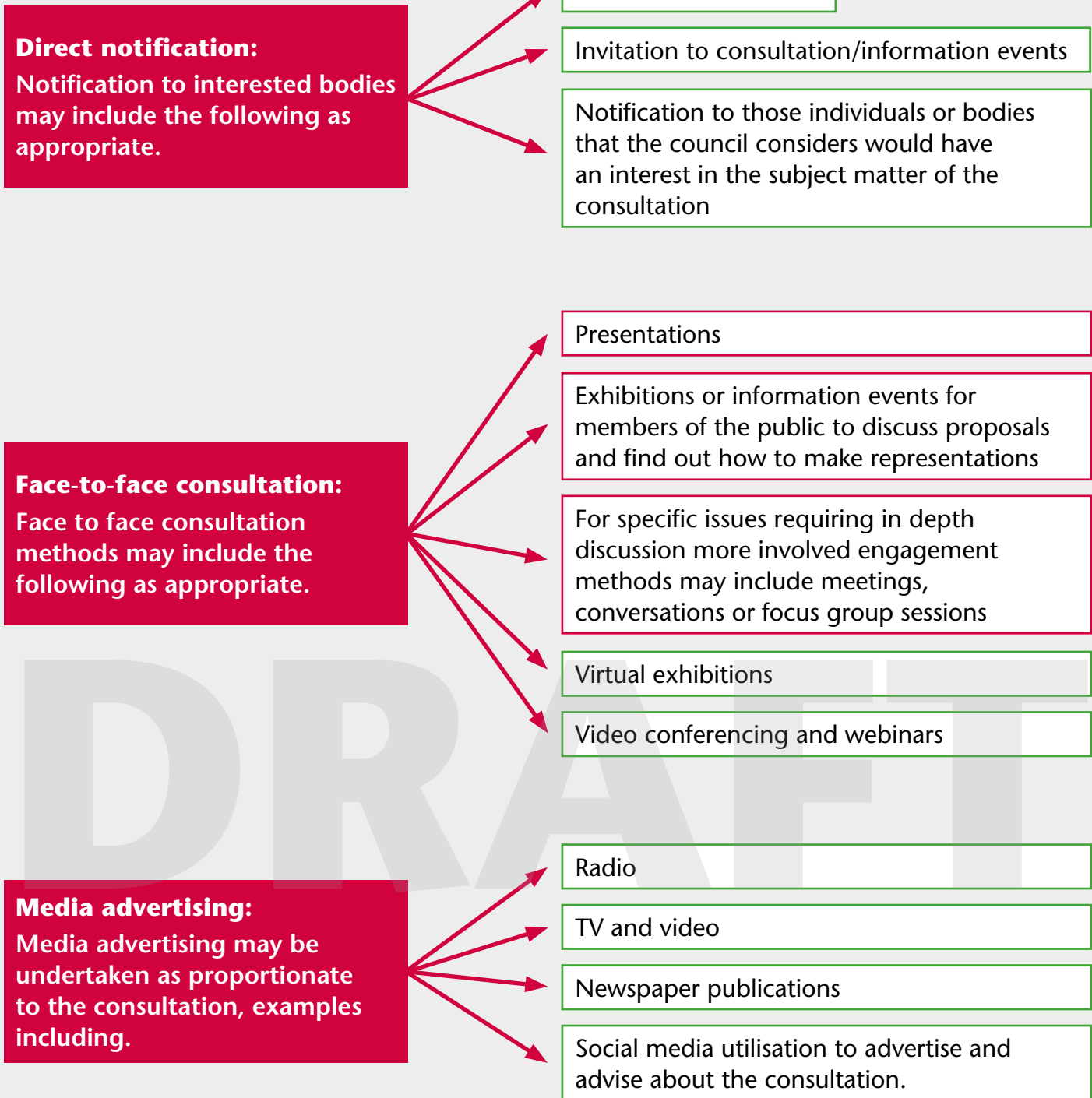


Figure 1 illustrates a non-exhaustive list of engagement methods utilised by Wiltshire Council and the likelihood of impact of government COVID-19 guidance upon these methods

2.4. Figure 1 illustrates that the impact of COVID-19 guidance, which restricts Wiltshire Councils ability to undertake conventional face-to-face community consultation along with the ability of the public to safely access reading material at deposit point locations.

2.5. When assessing appropriate interim arrangements, Wiltshire Council have considered the principles outlined within Planning Practice Guidance⁵ and have investigated Wiltshire Council's ability to exploit available online engagement methods to their full potential.

Document deposit points

2.6. When undertaking consultation during the preparation of a development plan document, accessing published material is a key constituent. While web based access is the preferred means of making information available, the Council also in normal circumstances makes hard copies of relevant documents available at deposit points for public viewing. These are Wiltshire Council's principal offices and at such other places within Wiltshire as the local planning authority consider appropriate⁶.

2.7. COVID-19 guidance currently means that such provision may not be safe or unable to take place due to restrictions on movement and/or public buildings being closed. If such availability is not possible, Wiltshire Council will seek to implement pragmatic measures ensuring availability is maintained for those members of society that may rely upon such methods because they do not have access to the internet.

2.8. If such an eventuality arises, Wiltshire Council will seek to ensure ease of online documents and means to respond, utilising innovative solutions to maximise understanding and access while ensuring response methods are easy to undertake for all members of society.

2.9. For members of the community and stakeholders without internet access, Wiltshire Council will deploy the most pragmatic solutions to make hard copies of documents accessible to them at the time. This may include sending hard copies on request. However, Wiltshire Council would continue to actively encourage documents to be accessed online to minimise the environmental impact of undertaking any such consultation.

2.10. Should anyone be unable to submit a response online or by email and be unable to leave their home to post a response, the Council will consider bespoke measures on a case by case basis to enable people to respond.

Face-to-face consultation

2.11. Face-to-face consultation represents a valued community engagement method utilised by Wiltshire Council when undertaking consultation, assisting the ability to inform communities and gather information. Methods regularly deployed by Wiltshire Council include presentations, exhibitions, information events and bespoke meetings. COVID-19 guidance has implications for such methods.

2.12. In response Wiltshire Council will utilise online engagement methods, targeting those who may rely upon a form of face-to-face contact, tailoring the method used to the needs of identified groups. Such measures may include, for example:

- Virtual presentations: For example, the use and dissemination of pre-recorded video presentations to replace those that may normally be delivered to parish/town councils.
- Video conferencing: For example, the use of digital technology to enable virtual meetings to take place.

⁵ Planning Practice Guidance, paragraph 78 available from: <https://www.gov.uk/guidance/plan-making>

⁶ The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), regulation 35 available from: <http://www.legislation.gov.uk/uksi/2012/767/regulation/35/made>

- Social media: For example, the use of Facebook to publicise details of a consultation, explaining how representations can be submitted targeting those who rely upon social media to gather information.
 - Explanatory videos: For example, the dissemination of prerecorded videos of informative content to assist understanding of the purpose and content of a consultation. Such content may be released to the public as a replacement to exhibitions that would normally be open to public participation.
- 2.13. Any solutions used will be proportionate to the scale and impact of the plan. Each approach will be appropriate to those we need to consult and within available resources, both Wiltshire Council's and those we are targeting.

Supplementary Planning Documents (SPD)

- 2.14. Similar engagement and consultation methods are undertaken for SPD preparation, although this will be proportionate to its subject matter.. Dependent upon the relevance of the SPD content to particular groups in the community, different stakeholders or areas of Wiltshire will be targeted. When progressing SPDs, similar pragmatic responses to COVID-19 guidance will be sought to that outlined above for progressing plan making.

Neighbourhood Planning

- 2.15. Parish and town councils (known as Qualifying Bodies (QBs) have the power to prepare Neighbourhood Development Plans (NDPs), Neighbourhood Development Orders (NDOs) or Community Right to Builder Orders. While it is the QBs responsibility to ensure meaningful community engagement is undertaken in preparing

a draft NDP or NDO, we will continue to provide support and advice on who to consult and how to undertake this having regard to the Government's COVID-19 guidance.

- 2.16. We will continue to work proactively with groups and communities to progress plans as pragmatically as possible, advising on how it is best to do so whilst adhering to necessary regulations and guidance.

Consultation

- 2.17. Wiltshire Council, as local planning authority, is directly responsible for certain stages in the neighbourhood planning process.
- 2.18. These are highlighted in the SCI and include responsibility for publicising and consulting on relevant applications for neighbourhood areas and NDP or NDO proposals (under Regulation 16 of the Neighbourhood Plan Regulations⁷). In undertaking Regulation 16 consultations we are required to publicise the proposal and publish details of where and when documents can be inspected. It is not mandatory for copies of documents to be made available at a physical location and we will focus on online methods using our website and/or consultation portal. We will also work with the QB to ensure that hard copies of the draft NDP or NDO are available for those members of the community without access to the internet.

- 2.19. We will ensure that, when exercising our neighbourhood planning responsibilities, a range of advertisement methods are used where possible. We will work with the qualifying body to identify the best possible means to do this having regard to COVID-19 guidance. This will ensure communities are well informed about the proposal and how to comment, ensuring no groups within the community are disadvantaged. Measures may include the

⁷ Neighbourhood Planning (General) Regulations 2012 (as amended), Regulation 16, available from: <http://www.legislation.gov.uk/uksi/2012/637/regulation/16/made>

following:

- Placement of posters at locations remaining open to the public explaining how to access consultation material and how to comment
- Utilisation of advertisement in free to receive local parish newsletters, where applicable, to target those who may not have internet access.

Examinations

2.20. Examinations form a key legislative stage of NDP progression and it is Wiltshire Council's responsibility to appoint an independent examiner to conduct an examination of a NDP. It is already expected that the examination of a draft NDP will include a public hearing only in more exceptional circumstances. It is now true more than ever examinations should be conducted by written representations⁸.

2.21. If an examiner considers that oral representations are necessary then, in response to COVID-19 guidance, these should not take place in person. Wiltshire Council will work with the QB and independent examiner to ensure that, wherever possible, oral representations can still take place by video conferencing or other suitable technologies.

Referendums

2.22. In order to form part of the Development Plan a NDP must successfully pass through referendum and be formally

'made' by Wiltshire Council.

2.23. Following COVID-19 guidance and restrictions on movement, all NDP referendums are currently suspended until 6 May 2021⁹.

2.24. Where Wiltshire Council has issued a decision statement¹⁰ detailing its intention to send a neighbourhood plan to referendum, government guidance¹¹ outlines that the NDP can be given significant weight in decision-making, so far as the plan is material to the application in question.

Development management

2.25. Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out requirements for the consultation process in relation to the different types of planning applications and any publicity necessary, for example when work affects a Listed Building.

2.26. Following the introduction of COVID-19 guidance, new temporary regulations¹² have been introduced allowing for flexibility to take other reasonable steps to publicise applications where the Council cannot discharge previous specific requirements for site notices, neighbour notifications or newspaper publicity.

2.27. Wiltshire Council is committed to providing the best service possible in these stretching circumstances and are continuing to process planning

⁸ Planning Practice Guidance, paragraph 107, available from <https://www.gov.uk/guidance/neighbourhood-planning--2>

⁹ In line with Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, available from <http://www.legislation.gov.uk/uksi/2020/395/contents/made>

¹⁰ As set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012

¹¹ Planning practice guidance on neighbourhood planning, paragraph 107, available from: <https://www.gov.uk/guidance/neighbourhood-planning--2#the-neighbourhood-planning-referendum>

¹² Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020, available from: <http://www.legislation.gov.uk/uksi/2020/505/contents/made>

applications to help keep the local economy moving while also adhering to COVID-19 regulations.

2.28. Following the COVID-19 guidance, Planning Officers are now working from home, so communication with them via e-mail is now encouraged. Additionally, face-to-face events and physical meetings have to be cancelled but Wiltshire Council will exploit technology (for example virtual meetings, email and telephone conversations), where possible, to ensure that discussions and consultations can go ahead. Measures being taken to ensure community engagement continues include the following:

- Applicants and interested parties are encouraged not to send hard copies of applications or documents to the offices. Applicants are encouraged to submit applications online via the planning portal www.planningportal.co.uk whilst those making representations on applications are encouraged to do so online using the links from the Council's published online details of the application concerned
- We are relying on postal neighbour notification to fulfil the consultation requirements and comply with legislation. Documents are available to view on our website as usual
- Site notices will only be put up for applications where required to comply with statutory requirements such as listed buildings, prior approvals and major development. For these, site notices will be sent to the applicant/

agent directly for them to display on site, or where they do not live locally, the council will arrange for the site notice to be displayed

- There will be no face to face meetings until further notice, with alternative methods utilised where possible
- Applicants are encouraged to include photographs of the site and surroundings as part of the application, ideally these should include the existing buildings and contextual shots of adjacent properties and the adjoining land looking both into and out of the application site. This is to assist the Planning Officer with their assessment in the absence of site visits.
- We will continue to deal with a high percentage of applications under delegated powers
- Planning committees are proceeding as Virtual Committees, arranged on an ad-hoc basis and arranged when required and workload permits. If an application is required to be considered by a planning committee, the applicant/agent and those who have made representations will be advised of the date and procedure in advance.

3. Summary

- 3.1. This statement sets out the interim arrangements Wiltshire Council believe are necessary to enable the continuation of community involvement in planning activity while adhering to government guidance targeted at controlling the spread of COVID-19.
- 3.2. 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. The Council may in some cases need to adjust its timescales for document preparation accordingly and Wiltshire Council will keep the Local Development Scheme under review as the impact of COVID-19 becomes clearer. Updates will be published on the Council's website as appropriate.
- 3.3. Wiltshire Council will keep these arrangements under constant review with the intention of any subsequent amendments and actions taken to either move back towards the protocols as currently outlined with the July 2020 SCI or to respond to any subsequent government guidance to control the spread of COVID-19.

4. Contact us

- 4.1. If you still have questions the teams can be contacted via email and phone.

Spatial Planning

spatialplanningpolicy@wiltshire.gov.uk
01225 713223

Neighbourhood Planning

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Development Management

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