

# WIRRAL COUNCIL

## DELEGATED DECISION

<b>SUBJECT:</b>	<b>LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – REVISED STATEMENT OF COMMUNITY INVOLVEMENT</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR REGENERATION AND ENVIRONMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR PAT HACKETT, REGENERATION &amp; PLANNING STRATEGY</b>
<b>KEY DECISION?</b>	YES

### 1.0 EXECUTIVE SUMMARY

1.1 A Statement of Community Involvement (SCI) is required to set out the Council's policy for the involvement of the community in land-use planning decisions. The Council's current SCI needs to be revised to take account of a series of changes to national legislation and regulations since it was last adopted December 2006. This report recommends that the draft revised SCI attached to this report is approved for public consultation. The comments received will be reported to Cabinet before a final revised SCI is recommended for adoption by a resolution of Full Council.

### 2.0 BACKGROUND AND KEY ISSUES

2.1 The Council is legally required to prepare a Statement of Community Involvement (SCI) to set out the Council's policy for the involvement of the community when preparing statutory local development documents such as local plans and supplementary planning guidance and in development management decisions such as planning applications.

2.2 The Council's current SCI was adopted in December 2006. Changes to national legislation and regulations have meant that the current SCI is now significantly out-of-date. The most recent changes, introduced alongside the National Planning Policy Framework in April 2012, have been intended to streamline and simplify national requirements to allow councils to make more timely, cost-efficient decisions.

2.3 In terms of the preparation of local development documents, complete stages have been removed or significantly altered.

2.4 In terms of development management, there is a need to reflect the Council's decision to charge for pre-application advice, prepare for the introduction of statutory pre-application consultation (through powers which are yet to be enacted) and to clarify some of the more recent arrangements for the publicity of planning applications.

2.5 The opportunity has, therefore, been taken to prepare a shorter, simpler document that is easier to understand and interpret and that will allow the Council to maintain an appropriate level of community involvement.

2.6 The main changes included in the draft revised SCI attached to this report include:

- the substitution of references to out-dated terminology, national policies and legal procedures and requirements;

- removal of references to the Regional Spatial Strategy, which was formally revoked on 20 May 2013;
- removal of unnecessary descriptive text supported by an amended glossary;
- reference to the most up-to-date arrangements for corporate community involvement, including constituency committees and public service boards;
- the deletion of the publication of non-statutory public notices in named publications;
- a more flexible approach to identifying deposit locations for consultation documents;
- an explicit reference to allowing additional days for consultation, to take account of public and Council holidays;
- a reference to charging for pre-application advice;
- reference to the separate national procedures for the consenting of national infrastructure;
- the latest arrangements for the publicity for planning applications; and
- an additional explanation of the process for delegated decision making on planning applications.

### **3.0 RELEVANT RISKS**

- 3.1 The principal risk from retaining the existing Statement of Community Involvement (SCI) unaltered is the potential for ambiguity in interpretation arising from requirements that have been significantly altered over time, which could open the Council to unnecessary legal challenges.
- 3.2 While the adoption of over-detailed and inflexible additional requirements could hinder timely decision making and the cost-effective production of local development documents, there is also a risk that streamlined consultation processes could hinder the ability of some sections of the community from being involved in planning decisions, if an appropriate balance is not maintained.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 The main alternative option is to not revise the existing Statement of Community Involvement (SCI), which is already becoming a hindrance to the efficient and cost effective preparation of local development plan documents.
- 4.2 There are however a number of alternative options that could also be considered within each individual element of the revised SCI, for example, in relation to:
- the minimum duration of consultation periods;
  - the number and location of deposit locations for consultation documents;
  - the continued publication of non-statutory public notices;
  - the continued use of non-statutory neighbourhood notification letters for emerging site-specific proposals in local development documents; and
  - the provision of additional paper copies of consultation documents without charge.
- 4.3 Exceeding statutory minimum requirements could significantly affect the overall efficiency and effectiveness of decision making and plan preparation processes.
- 4.4 The financial implications of options, including reducing the number and location of deposit locations; the continued publication of non-statutory public notices; the use of non-statutory neighbourhood notification letters; and charging for additional paper copies, are set out in section 7.0 of this report.

## **5.0 CONSULTATION**

- 5.1 There are now no national regulations to govern the preparation of a Statement of Community Involvement (SCI) and the SCI no longer needs to be submitted to the Secretary of State for public examination.
- 5.2 Most authorities currently consult on the content of a revised SCI before adoption by Council resolution. It is therefore proposed to make the draft revised SCI attached to this report available for public comment for a period of six weeks, which is identified as the minimum period for consultation in the existing SCI.
- 5.3 Consultation will involve placing the draft revised SCI, attached to this report, for public comment on the Council's website, in public libraries, One Stop Shops and at the public counter of the North Annexe of Wallasey Town Hall. Notification by letter will be sent to all contacts on the Council's Local Development Framework Contact Database and by e-mail to Area Forum, Older People's Parliament, Youth Forum, Invest Wirral Business Forum, Public Service Board and VCAW contacts.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 6.1 Voluntary, community and faith organisations will be invited to comment on the revised SCI as part of the main consultation process.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 7.1 Meeting the requirements of the Statement of Community Involvement (SCI) can have significant cost implications.
- 7.2 Under the existing SCI (December 2006), the publication of public notices for two consecutive weeks in the Wirral News, Wirral Globe and Liverpool Daily (now Weekly) Post has, during the last two years, cost between £1,228 and £6,542, depending on the size of the notice required to be placed. The placing of public notices is no longer required under the most recent national regulations for local development documents and there is no evidence to suggest that they have been effective in promoting significant levels of community involvement.
- 7.3 Omitting the requirement for the publication of non-statutory public notices from the revised SCI could represent a potential average cost saving to the Council of up to £9,000 a year, based on the last two years. The draft revised SCI attached to this report no longer provides for the publication of non-statutory public notices.
- 7.4 Paper copies of consultation documents related to emerging local development documents are currently placed on deposit for public inspection, free of charge, at the North Annexe at Wallasey Town Hall, at all public libraries (twenty-four) and One Stop Shops (thirteen, whether co-located or not), which has cost between £1,930 (£51 per venue) and £2,650 (£70 per venue) at various stages of the preparation of the Core Strategy. Further savings could be obtained by reducing the number of deposit locations specified within the revised SCI.
- 7.5 The most recent national regulations for local development documents only require documents to be made available for inspection on the local planning authority's website, at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours. The existing SCI (December

2006) specifies the public counter of the former Technical Services Department at Canning Street (which no longer operates following the re-location of Development Management services to Wallasey) and all public libraries. The draft revised SCI, attached to this report, no longer sets out a list of specific locations, which would permit the Council to decide on the most appropriate locations as each document is being prepared.

- 7.6 The most recent national regulations for local development documents no longer require full sets of paper copies of consultation documents to be sent to any specific organisation and allow the Council to make a reasonable charge for a copy of any document that is requested. Charging for additional paper copies, of which only 5 were requested, enabled the Council to reduce the number of bundles of documents to be printed from 450 to 50 during the latest round of consultation on the Core Strategy, which represented a saving of at least £12,400. The draft revised SCI, attached to this report, provides for additional paper copies of consultation documents to be charged for copying, postage and packing.
- 7.7 There are currently over 770 entries on the Local Development Framework Contacts Database. Issuing a single-page notification letter currently costs up to £350. Although savings could be made by sending some additional notifications electronically, this could be less reliable given the number of changes to e-mail addresses over time and may be less cost-effective to keep up-to-date. The draft revised SCI, attached to this report, provides for the continued use of notification by letter.
- 7.8 The cost of non-statutory neighbour notification letters for site-specific proposals contained within an emerging local development document will depend on the number and size of the sites involved but cost an additional £1,300 for sites in Wirral associated with the Joint Waste Local Plan for Merseyside and Halton. The draft revised SCI, attached to this report, provides for the continued use of non-statutory neighbour notification letters to raise awareness of emerging site-specific proposals in local development documents.
- 7.9 It is estimated that consultation on the draft revised Statement of Community Involvement, as proposed, including copying, distribution and notifications, can be undertaken for less than £1,000 using existing resources within Regeneration and Planning and through the Council's website, libraries and One Stop Shops. Additional paper copies of the draft revised SCI will be made available for a charge to cover the cost of copying, postage and packing.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 The preparation of a Statement of Community Involvement (SCI) is required by section 18 of the Planning and Compulsory Purchase Act 2004 (as amended by section 180 of the Planning Act 2008 and Schedule 12 of the Localism Act 2011).
- 8.2 Compliance with the Council's statutory adopted SCI is a legal requirement in the preparation of local development documents including local plans and supplementary planning documents.
- 8.3 Failure to comply with the adopted SCI can lead to the rejection of local plans at public examination, prevent their adoption and/or make the adoption of a local development document vulnerable to judicial review.

8.4 The SCI is intended to set out the Council's minimum requirements for community involvement and would not prevent the Council going further if it was considered to be necessary in particular circumstances.

## **9.0 EQUALITIES IMPLICATIONS**

9.1 The Town and Country Planning Acts allow for any person to make representations on an emerging local development document or planning application, irrespective of their gender, faith, race, disability, sexuality, age or income.

9.2 The Equality Impact Assessment for the draft revised Statement of Community Involvement can be viewed at <http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/regeneration-housing-planning>.

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no carbon reduction implications directly arising from this report, although reducing the number of paper copies and deposit locations for consultation documents could have implications for carbon reduction.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 The final revised Statement of Community Involvement will set the Council's standards for community involvement in the preparation of local development documents and in development management decisions.

11.2 There are no community safety implications.

## **12.0 RECOMMENDATION/S**

12.1 That the draft revised Statement of Community Involvement attached to this report be approved or public consultation in line with the details set out in Section 5.0 of this report.

12.2 That this report is referred to Planning Committee for information before public consultation on the draft revised Statement of Community Involvement takes place.

12.3 That the results of public consultation are reported back to Cabinet and to Planning Committee before a final revised Statement of Community Involvement is recommended for adoption by Council resolution.

## **13.0 REASON/S FOR RECOMMENDATION/S**

13.1 To allow the Council to adopt an up-to-date Statement of Community Involvement for the preparation of local development documents and development management decisions.

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## **APPENDICES**

Draft Revised Statement of Community Involvement for Wirral (June 2013)

## REFERENCE MATERIAL

The Council's existing Statement of Community Involvement, adopted in December 2006 can be viewed on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/statement-community-involvement>

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
None relevant	