

# WIRRAL COUNCIL

## DELEGATED DECISION

<b>SUBJECT:</b>	<b>LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL – ADOPTION OF 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, ECONOMY</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 in December 2006. This report recommends that the final revised SCI attached to this report, which has been amended following public consultation, 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 documents 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 Changes to national legislation and regulations have meant that the current SCI is now significantly out-of-date.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 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.

2.4 The main changes included in the final 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 holidays and Council closures;
- a reference to charging for pre-application advice;
- reference to the separate national procedures for the consenting of national infrastructure;
- reference to the latest arrangements for the publicity of planning applications; and
- an additional explanation of the process for delegated decision making on planning applications.

2.5 The Cabinet Member for the Economy approved the draft revised SCI for public consultation in a delegated decision published on 18 June 2013 and the draft revised SCI was considered by Planning Committee on 27 June 2013 (Minute 55 refers).

2.6 Public consultation took place between 24 July and 13 September 2013. A schedule of the comments received and the amendments that have been made to the final revised SCI is attached as an appendix to this report.

2.7 No substantive comments were received that indicated that any further revisions should be made to the draft revised SCI, other than to:

- include the Heswall Society, the Bromborough Society and the National Trust as named organisations, in section 5 of the final revised SCI; and to
- include a reference to the UK Marine Policy Statement alongside the reference to the National Planning Policy Framework, in section 2 of the final revised SCI.

2.8 It has not been possible to meet the request of United Utilities to be consulted on prior notifications for permitted development, as national regulations only provide for immediate neighbours with a common boundary to be notified and the Council can only consider representations from immediate neighbours with a common boundary on the grounds of amenity alone.

2.9 These changes have now been included in the final version of the revised SCI attached to this report. The comments arising from public consultation have therefore been addressed and, wherever possible, satisfied.

2.10 Planning Committee considered the final revised SCI on 19 December 2013, in line with the previous Delegated Decision from 18 June 2013, and resolved that the revised SCI should be approved with minor amendments, to include a reference to private or restrictive covenants (in paragraph 4.37 of the SCI) and to clarify the rights of Ward Councillors and applicants and agents to address the Planning Committee (in paragraph 4.46 of the SCI), which have now been included in the final revised SCI attached to this report.

### **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.

3.3 These risks are addressed in the final revised SCI attached to this report.

#### **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 documents.

4.2 A number of alternative options within each individual element of the revised SCI, together with their likely financial implications, have also been considered, 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 As exceeding statutory minimum requirements could significantly affect the overall efficiency and effectiveness of decision making and plan preparation processes, the proposals now set out in the final revised SCI attached to this report are considered to provide the most appropriate balance.

#### **5.0 CONSULTATION**

5.1 There are 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 The draft revised SCI was made subject to public consultation between 24 July and 13 September 2013, exceeding the existing six-week minimum period for consultation set out in the existing SCI (December 2006).

5.3 Consultation included:

- placing the draft revised SCI 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 and e-mail to all contacts on the Council's Local Development Framework Contact Database (847 contacts);
- notification by email to all VCA Wirral contacts (900 contacts);
- notification by email newsletter to all Invest Wirral Business Forum contacts (3,017 contacts);
- notification by email to the members of the Wirral Public Service Board;
- notification by email to the Council's Area Forum/Constituency Committee Contacts (466 contacts); and
- all Wirral Councillors and MPs.

5.4 A schedule of the comments received is attached as an appendix to this report.

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

6.1 Voluntary, community and faith organisations were invited to comment as part of the consultation on the draft revised SCI.

## **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 Removing the requirement for the publication of non-statutory public notices could represent a potential average cost saving to the Council of up to £9,000 a year, based on the last two years.

7.3 Emerging local development documents are currently all placed on deposit for public inspection, free of charge, at the North Annexe at Wallasey Town Hall, at all public libraries (twenty-four) and at 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.

7.4 Reducing the number of paper copies of consultation documents that must be provided, by no longer setting out a list of specific locations, could secure further savings and would permit the Council to decide on the most appropriate locations as each document is being prepared.

7.5 Charging for the copying, postage and packing of additional paper copies of consultation documents, in line with the most recent national regulations, would allow the Council to reduce its printing and postage costs.

7.6 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.

7.7 The continued use of notification by letter can currently cost up to £500 (for a single-page notification letter to up to 850 entries on the Local Development Framework Contacts Database). Additional savings can be made by sending as many notifications as possible electronically.

7.8 Increasing notification by e-mail during consultation on the draft revised SCI, to respondents who had previously provided an e-mail address, led to additional savings of £268.

7.9 The cost of the continued use of non-statutory neighbour notification letters, to raise awareness of emerging 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.

7.10 The cost of neighbourhood notification letters could not be reduced through the greater use of electronic means, unless the Council was already aware of and had previously

gained consent to use the private e-mail addresses of local residents within any particular area.

7.11 Cost savings obtained through the adoption of the final revised SCI would currently reduce the pressure on reserves needed to support the completion of the Local Development Framework for Wirral including the Core Strategy Local Plan.

7.12 Consultation on the draft revised SCI was undertaken for £631, against the originally reported estimate of £1,000, using existing resources within Regeneration and Planning, the Council's website, libraries and One Stop Shops and by sharing resources with three other consultations and notifications.

## **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 final revised SCI attached to this report will 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.

8.5 The adoption of the final revised SCI will be subject to a six-week period of judicial review, starting from the date that Full Council resolves to adopt the SCI.

## **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 revised Equality Impact Assessment for the final 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>.

9.3 The changes that have been made to the final revised SCI attached to this report would not give rise to any additional equalities implications.

## **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 and reducing the number of notifications sent by post could have implications for carbon reduction.

## 11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 Once adopted, the final revised Statement of Community Involvement attached to this report will set out 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 Council is recommended to formally adopt the final revised Statement of Community Involvement attached to this report, with effect from the date the resolution to adopt is passed.

## 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

Appendix 1 - Final Revised Statement of Community Involvement for Wirral (January 2014)  
Appendix 2 - Schedule of Responses to Consultation on a Draft Revised Statement of Community Involvement for Wirral (July 2013)

## REFERENCE MATERIAL

The Council's existing Statement of Community Involvement, adopted in December 2006; and the draft revised Statement of Community Involvement, which was made subject to public consultation in July 2013; can both 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>
Delegated Decision – Local Development Framework – Revised Statement of Community Involvement	18 June 2013
Planning Committee – Delegated Decision - Local Development Framework – Revised Statement of Community Involvement (Minute 55)	27 June 2013
Planning Committee - Local Development Framework – Adoption of Revised Statement of Community Involvement (Agenda Item 18)	19 December 2013