



ECONOMY REGENERATION & DEVELOPMENT COMMITTEE

Thursday, 4 March 2021

REPORT TITLE:	REVISED STATEMENT OF COMMUNITY INVOLVEMENT
REPORT OF:	DIRECTOR OF REGENERATION AND PLACE

REPORT SUMMARY

The purpose of this report is to seek approval to a revised Statement of Community Involvement (SCI). The current SCI, which was adopted in March 2014, sets out the Council's minimum consultation and engagement requirements during the preparation of the Local Plan, Supplementary Planning Documents, Neighbourhood Plans and the determination of planning applications. It is necessary to update the SCI to be legally compliant, take account of recent Government regulations, guidance on temporary changes to consultation arrangements arising from the Covid 19 emergency, guidance on arrangements for Neighbourhood Plans and to reflect new opportunities for best practice engagement offered by web-based applications.

RECOMMENDATION/S

The Committee is asked to:

1. Agree that the Statement of Community Involvement attached at Appendix 1 be adopted; and
2. Delegate authority to the Director of Regeneration and Place to make minor, non-material formatting and typographical changes to the Statement of Community Involvement prior to publication.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Statement of Community Involvement is the Council's statutory planning document that sets out how the Council will meet the statutory requirements for engagement and consultation in the Planning System.
- 1.2 Since the existing Statement of Community Involvement was adopted in March 2014 there have been a number of changes to legislation and guidance. Most importantly the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 sets out a requirement for Statements of Community Involvement to be reviewed every 5 years starting from the date of adoption. An updated Statement of Community Involvement is needed to ensure that:
 - a) This statutory document is appropriate and relevant;
 - b) meets statutory requirements in terms of the period of review; and
 - c) The Council is not open to potential financial risks, costs and legal challenges with respect to engagement and consultation in the planning system.
- 1.3 The Government has also published guidance on temporary changes to engagement and consultation on planning matters during Covid 19 restrictions which need to be incorporated into an updated SCI.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The 2017 amendments to the planning regulations introduced a statutory requirement for Statements of Community Involvement to be reviewed every five years. Therefore, the review and adoption of this new document is essential and no other options have been considered.

3.0 BACKGROUND INFORMATION

- 3.1 A draft Statement of Community Involvement (2021) has been prepared to take into account the main changes to legislation and guidance since the current SCI was adopted in March 2014 including latest Government guidance on temporary changes to consultation requirements during the Covid 19 emergency and requirements for social distancing.
- 3.2 The document sets out how individuals and organisations with an interest in development in the area can be involved in planning matters in the Borough including:
 - how and when the public will be consulted on new planning policy documents such as the Local Plan and Neighbourhood Plans;
 - how and when members of the public can comment on planning applications, as well as other forms of application for development submitted to the Council;

3.3 Key changes from the current adopted SCI are:

- Introduction of information for Neighbourhood Planning and Community Infrastructure Levy;
- Removal of requirement for consultation with focus groups during the regulation 18 stage of the local plan preparation to be replaced with workshops;
- Removal of public meetings as a specific form of consultation to be replaced by walk in information events;
- Inclusion of additional web-based methods for consultation; and
- Details of temporary arrangements during the Covid 19 emergency in accordance with Government guidance which includes,
 - Engagement on the preparation of the Local Plan through online meetings and telephone discussions;
 - Not making consultation hard copy Local Plan documents available for physical inspection during the period when Covid-19 restrictions apply. The updated regulations will apply until 31st December 2021. The suspension of the requirement to post site notices for certain applications currently applies until 30 June 2021 The Council may consider the implementation of an appointment system for the public inspection of consultation documents where Covid-19 related restrictions still apply;
 - While Covid-19 restrictions remain in place, all planning application documentation will only be made available on the Councils website and will not be available for physical public inspection; and
 - While Covid-19 related restrictions remain in place, the Council will undertake planning committee meetings through virtual online meetings. The public can watch and participate in accordance with the Council's constitution in virtual online committee meetings.

3.4 Whilst a report for the January 2021 Committee was withdrawn the differences between the draft SCI and the latest version are set out in red font in the attached draft SCI at Appendix 1.

4.0 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications relating to the preparation of a new SCI. However, there are implications for the consultation arrangements set out within it and the need to balance public expectations regarding the types of consultation techniques with the costs and time involved. The costs of the range of consultation set out in the revised SCI can be met from within the current Local Plan and Development Management budgets but may need to be reviewed as each new document is prepared.

5.0 LEGAL IMPLICATIONS

5.1 Section 18 of the Planning and Compulsory Purchase Act 2004 states that the Local Planning Authority must prepare a Statement of Community Involvement and review it every five years, starting from the date of adoption of a local plan.

5.2 The SCI attached is in conformity with The Town and Country Planning (Development Management Procedure) Order 2015 which establishes requirements for consultation on planning applications, and the Town and Country Planning (Local Planning) (England) Regulations 2012 which set out minimum standards for community engagement in the development of planning policy. In addition, the Localism Act 2011 introduced a legal duty on local planning authorities to engage constructively, and on an ongoing basis on strategic cross borough issues, and to support neighbourhood forums wishing to take forward neighbourhood plans. The minimum standards can be exceeded, if required in particular cases but once formally adopted cannot be reduced or amended without a further formal revision to the SCI.

5.3 The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 puts in place additional inspection requirements to ensure that access to documents is maintained for those without access to the internet as follows:

- Removal of the requirement for documents to be made available for inspection at principal offices and replacement with a new requirement for the Council to publish these documents on a public website;
- Introduction of a requirement for the Council to provide a copy of relevant documentation by email, post or USB to members of the public who request one;
- Introduction of a requirement for the Council to provide a telephone number to which members of the public without internet access can make factual enquiries about the documents; and
- Amendment of the requirements on the Council about informing the public how to access documents to reflect these changes.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 Engagement and consultation are an accepted part of the work of the Planning Service. The level of resource required to carry out engagement will vary with the type of engagement and the revised SCI has sought to balance the aspiration of the public for further engagement with cost and time implications which can be managed within current staffing and budget. The move to online consultation will require additional training for staff to maximise the benefits and ease of use by consultees.

7.0 RELEVANT RISKS

7.1 Key risks relate to non-compliance with the SCI, resulting in legal challenges and the need to balance public aspirations regarding consultation and involvement in planning decisions, with available budgets. These risks will be mitigated by following the consultation methods set out in the SCI, which are set out as minimum requirements.

8.0 ENGAGEMENT/CONSULTATION

8.1 There is no statutory requirement to consult on a SCI. However, given the nature of the document the Council undertook a consultation on a draft SCI between 8th October and 5th November 2020. Comments received have informed the drafting of the final SCI document at Appendix 1.

- 8.2 The consultation attracted 180 comments from 39 respondents as set out in the consultation report at Appendix 2.
- 8.3 The comments raised did not introduce any fundamental changes to the content or structure of the SCI. A summary of the key issues raised is set out below:

Key Issue	Response
The need for early feedback on consultation events	The Council will endeavour to publish feedback on consultation events on its web site as soon as is practicable. However, this may not be possible when significant numbers of comments are received and the analysis of these requires further work to be undertaken to inform the Council's response. The Council can therefore only commit to publish comments and its response at the next stage of the Plan making process
Concern over removal of public meetings from consultation events	The SCI sets out the Council's minimum requirements for engagement and consultation. Public meetings are not considered appropriate for engaging with local communities in an inclusive and accessible way. Walk in events where often complex planning issues can be explained on a one to one basis is considered to be more effective.
Request for early consultation/ publication of Local Plan evidence studies	There is no legal requirement to publish evidence studies in advance of key Local Plan making stages
Newspapers should still be used to advertise consultation events	This is no longer a legal requirement in most cases. Newspapers are now less widely distributed and read in hard copy format
Request for enhanced notifications for community groups on planning applications on sites within the Green Belt and on non- material amendments to planning permissions	Ward Councillors are notified by Email Alert of all new (valid) applications received in their Ward. Interested third parties can register with the web page and can search for planning applications by a number of fields (including Ward) and can track the progress of such applications. Non-material amendment applications are not subject to publicity and by definition relate to proposals that do not materially alter an earlier planning approval. A direct link to the planning applications portal has been inserted and paragraph 8.4 has been amended to make it clear that it is possible to make a request to be added to the contacts database.
Changes arising from The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020	Introduction of a requirement for the Council to provide a copy of relevant documentation by email, post or USB to members of the public who request one

	<p>For those without internet access, the Council will also provide a copy of relevant documentation by post on request, subject to a reasonable charge to cover the costs of providing this service.</p> <p>Introduction of a requirement for the Council to provide a telephone number to which members of the public without internet access can make factual enquiries about the documents.</p>
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9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment (EIA) is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. An EIA has been produced and concludes that due to the nature of the project there are no adverse impacts identified for any protected groups. The revised SCI sets out the minimum methods and timing of engagement with members of the public in the preparation of Local Plans and other planning policy documents, and in the planning application process. The SCI will be made available in different formats on request and requires more targeted consultation for 'hard to reach' groups.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The revised SCI sets out the minimum methods and timing of engagement with members of the public in the preparation of Local Plans and other planning policy documents, and in the planning application process. This will include the opportunity to comment on relevant environment and climate change matters relating to the Local Plan and specific planning applications. The increased use of online consultation could have a positive impact due to the reduction in number of paper copies to be printed and distributed.

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APPENDICES

Appendix 1 – Revised Statement of Community Involvement 2021
 Appendix 2 – Consultation Report

BACKGROUND PAPERS

Current adopted Statement of Community Involvement (March 2014)

<https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/community-involvement-local-planning/statement>

Government Covid 19 guidance on planning matters (13 May 2020)

<https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date