

Decision Report - Executive Decision

Forward Plan Reference: FP22/12/12

Decision Date - 18/01/23



Draft Statement of Community Involvement for Somerset Council

Executive Member(s): Cllr Ros Wyke - Lead Member for Development and Assets

Local Member(s) and Division: All

Lead Officer: Alison Blom-Cooper – Assistant Director Strategic Place and Planning (Somerset West and Taunton)

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1. Summary / Background

- 1.1** From the 1st April 2023 the new Somerset Council will take over the planning functions of the former district councils and county council. Somerset Council will therefore be responsible for determining and consulting on all planning matters within the authority area, including applications for new development, prior approvals, works to listed buildings and trees, mineral and waste development, and planning enforcement. The new Council will also be responsible for consulting on the preparation of relevant planning policy documents, including Local Plan(s).
- 1.2** To support these duties, it is a legal requirement that the Council prepare a Statement of Community Involvement (SCI). The SCI sets out how and when the new Council will engage with the community and stakeholders on planning matters.
- 1.3** At present each district council and the county council have separate SCIs in place for their relevant geographic area and planning responsibilities. To ensure a consistent approach is taken across our communities post vesting day it is therefore important that a new, single Somerset wide SCI is put in place. This report therefore seeks agreement from Executive to undertake public consultation on the draft SCI for the new Somerset Council. Following consultation, a final version of the SCI will be brought before a meeting of the Council for adoption.

2. Recommendations

2.1. The Executive approves that:

- 1) The Draft Statement of Community Involvement, as set out in Appendix A, shall be subject to six weeks public consultation (1st February to 16th March 2023), including engagement with key partners and stakeholders.**

2) The final version of the Statement of Community Involvement document shall take into account comments received and be brought back to the Executive for adoption.

3. Reasons for recommendations

3.1 It is considered important that prior to adoption the draft SCI is subject to consultation to ensure that how the Council intends to consult on planning matters as far as possible meets the needs and expectations of our communities, and those that use the planning service. Officers intend to undertake the following activities when consulting on the SCI:

- Digital consultation utilising the County Council Commonplace Digital Engagement Platform
- Up to 4 virtual consultation events held with key stakeholders e.g.
 - Applicants, Architects, and Agents
 - Statutory Consultees
 - Parish/Town Councils, Residents Group, Civic Societies
 - General Public
- Reports to each of the Planning Committees currently operating at the County and 4 District Councils

4. Other options considered

4.1. An alternative option considered would be from vesting day to rely on the five separate SCIs that are currently in force for each existing Council area. These documents vary in content and have been prepared at different times and reflect the different planning functions of the existing Councils. This option was therefore rejected on the basis that there is a need of an up-to-date SCI that would apply consistently across all Somerset communities post vesting day. Such as approach of having 5 different SCI would also likely lead to confusion and delay in the preparation and consultation on new planning policy documents, including a new Somerset Local Plan, which will need to be progressed at pace post vesting day in line with the consultation arrangements set out in the SCI.

5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

5.1. The new corporate plan is currently still being prepared. However, the vision as currently drafted focuses on putting the people of Somerset at the heart of everything we do and how we deliver our services. The draft priorities and values reflect this in terms of focusing on understanding local needs and how communities are represented and influence the work of the Council.

5.2. When finalised the SCI will therefore be an important document in realising these aspirations from the new corporate plan, guiding how the new Council consults and engages with communities through the planning system.

6. Consultations and co-production

6.1. The draft SCI has been prepared as part of LGR Service Alignment Sub-Workstream: Growth 2 – Planning & Enabling. As part of this representatives from each authority have been involved in the development of the draft SCI, with oversight from workstream leads. In addition to the public consultation arrangements outlined above, further refinement of the SCI will also be undertaken through consultation with each authorities Planning Committee(s). Potential Planning Committee slots of the five authorities where the SCI could be taken for feedback are set out below:

Somerset County Council: 9th February or 16th March 2023

Somerset West and Taunton: 2nd February or 2nd March 2023

Sedgemoor: 7th February or 7th March 2023

Mendip: 15th February or 15th March 2023

South Somerset: Area East – 8th Feb/March 2023, Area North - 22nd Feb/March 2023, Area South – 1st Feb/March 2023, Area West 15th Feb/March 2023

7. Financial and Risk Implications

7.1. There are no significant financial implications for the new unitary Council from preparation and implementation of the SCI. Resources to implement the arrangements in terms of consultation on planning matters will come from existing staffing and revenue budgets. Some consultation exercises (e.g. on planning policy documents) can however be resource intensive. Wording in the draft SCI has therefore been kept flexible with regard to the use of different methods of engagement that could be used (e.g. workshops, forums, drop in events). This will ensure that the extent of different consultation methods used can be tailored to the specific circumstances and the officer resources that are available within the planning function.

7.2. Failure to prepare a new SCI has some risk implications. For example, if consultation arrangements are not clearly set out there are risks in terms of Ombudsman complaints regarding consultation on planning applications. Failure to produce a new SCI could also cause some reputational harm, and potentially delay the preparation of key planning policy documents (e.g. the Local Plan). These risks are being managed by progressing preparation of the SCI now, prior to vesting day.

Likelihood	1	Impact	3	Risk Score	3
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8. Legal and HR Implications

8.1. The legal requirement for the Council to produce a SCI is set out in Regulation 18(1) of the Planning and Compulsory Purchase Act 2004. The SCI includes how the Council will meet its legal duty to consult on the preparation of planning policy documents and relevant planning proposals. These specific consultation requirements are set out in several pieces of legislation which are referenced in the SCI:

- Town and Country Planning Act (1990) (as amended)
- Planning and Compulsory Purchase Act (2004) (as amended)
- Town and Country Planning (Development Management Procedure) (England) Order (2010) (as amended)
- Localism Act (2011) (as amended)
- Neighbourhood Planning (General) Regulations (2012) (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Levelling Up and Regeneration Bill (emerging)

8.2. There are no HR implications from this decision.

9. Other Implications

9.1. Equalities Implications

The draft SCI has been prepared in line with equalities legislation and an Equalities Impact Assessment is appended to this report. The draft SCI includes a number of measures for how the Council will work to ensure that protected groups are not disadvantaged in terms of their ability to respond to planning consultations or have their views heard. This includes ensuring the preparation of planning policy documents follow accessibility guidelines, making material available in a range of different formats, and ensuring that consultation comments can be made using a number of different methods.

Consultation on the draft SCI will include engagement with relevant Equalities Officers and the representative organisations of protected groups. Feedback will be reflected in the final version of the SCI.

9.2. Community Safety Implications

No specific implications have been identified in relation to the recommendations in this report.

9.3. Sustainability Implications

No direct implications have been identified in relation to the recommendations in this report. However, the SCI will support the consultation activities of the Council as part of the planning system, which through economic, social and environmental objectives has the overarching aim of contributing to the achievement of sustainable development.

9.4. Health and Safety Implications

No specific implications have been identified in relation to the recommendations in this report.

9.5. Health and Wellbeing Implications

No specific implications have been identified in relation to the recommendations in this report.

9.6. Social Value

No specific implications have been identified in relation to the recommendations in this report. In relation to Somerset County Council's Social Value Policy the decision does not include any commissioning or procurement of services.

10. Scrutiny comments / recommendations:

10.1 The proposed decision has not been considered by a Scrutiny Committee.

11. Background

11.1. The draft SCI is appended to this report. The SCI essentially sets out how the Local Planning Authority will engage and consult with the community and relevant stakeholders on planning matters, covering both engagement on planning policy (e.g. Local Plan, Neighbourhood Plans) and determination of planning applications.

11.2. To summarise, the SCI includes the following elements:

Local Plans	<ul style="list-style-type: none">- Identifies who we will notify, consult and involve in plan making- Sets out informal engagement the Council will undertake during evidence gathering and identification of key issues- Sets out how the Council will consult during the statutory consultation stages- Includes details of the various tools the Council may use (e.g. digital consultation, workshops, surveys, newsletters etc.)- Includes how the Council will comply with data protection requirements when processing comments
Supplementary Planning Documents (SPDs)	<ul style="list-style-type: none">- Are topic or area based policy documents that are a material consideration when making planning decisions- SCI sets out how specific organisations and groups will be engaged, depending on the nature of documents being prepared

Neighbourhood Plans	<ul style="list-style-type: none"> - SCI sets out how the Council will advise and assist Parish, Town or Neighbourhood Forums when they are preparing Neighbourhood Plan, reflecting the Council's statutory duties
Development Management – Pre-Application Stage	<ul style="list-style-type: none"> - Encourages pre-application engagement with both the LPA and local communities - Sets out the opportunity for applicants to enter into Planning Performance Agreements
Development Management – Application Stage	<ul style="list-style-type: none"> - Includes details of consultees that will be notified on planning applications (statutory, non-statutory, adjoining owners/occupiers) - How the Council will publicise applications and subsequent decisions - How those who have commented will be notified of any subsequent appeals

12. Background Papers

- 12.1** Appendix A – Draft Statement of Community Involvement
Appendix B – Equality Impact Assessment

Report Sign-Off

		Date completed
Legal Implications	Tom Woodhams	09/01/23
Governance	Scott Wooldridge	09/01/23
Corporate Finance	Jason Vaughan	09/01/23
Customers, Digital and Workforce	Chris Squire	03/01/23
Property	Paula Hewitt / Oliver Woodhams	09/01/23
Procurement	Claire Griffiths	23/12/22
Senior Manager	Alison Blom Cooper	December 2022
Commissioning Development	Sunita Mills / Ryszard Rusinek	03/01/23
Executive Member	Cllr Ros Wyke - Lead Member for Development and Assets	09/01/23
<u>Sign-off Key Decision / Consulted on Non-Key Decision</u>		
Local Member	N/A – whole Somerset decision	

Opposition Spokesperson	Opposition Spokesperson - Development & Assets - Cllr Bob Filmer	
Scrutiny Chair	Scrutiny for Policies and Place Committee - Cllr Gwil Wren	