

## Decision Report - Executive



Decision Date – 4 October 2023

Forward Plan Reference - FP/23/07/10

Key Decision – Yes

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### Statement of Community Involvement

Executive Member(s): Ros Wyke - Lead Member for Economic Development, Planning and Assets

Local Member(s) and Division: n/a

Lead Officer: Paul Hickson – Service Director Economy, Employment and Planning

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### Summary

1. As a requirement of the Planning and Compulsory Purchase Act 2004, Somerset Council must prepare a Statement of Community Involvement (SCI). The SCI sets out how and when the Council will engage with local communities and other interested parties when carrying out its statutory planning functions. This includes consultation on both planning applications and the preparation of planning policy documents, such as the Local Plan. The preparation of a new single SCI for the whole unitary geography is important to ensure a consistent approach to engagement is taken across all our communities. The SCI will replace the existing separate SCIs of the former Districts and County Councils. It is important to highlight that the SCI is an overarching document for the planning service, it will be supplemented by more detailed strategies where required. For the Somerset Local Plan a detailed communications and engagement strategy is also being prepared which will be subject to Member approval at a later date.
2. Consultation on the draft SCI was undertaken during Spring 2023 prior to vesting day for a six-week period. Following this the content of the SCI has been reviewed and amended as appropriate to take into account comments received. A final version of the document has therefore now been prepared (Appendix 1) ready for a decision on formal adoption by Somerset Council.

## **Recommendations**

3. The Executive agree;
  - i) To Formally adopt the Statement of Community Involvement (Appendix 1)

## **Reasons for recommendations**

4. To meet the statutory requirement to prepare a SCI.
5. To ensure a consistent approach to how the Council engages with our local communities and other interested parties when considering planning applications and preparing planning policy documents.

## **Other options considered**

6. There is no alternative option to meet the statutory requirement for the Council to prepare a SCI.

## **Background**

### **Statement of Community Involvement - Preparation and Consultation**

7. Preparation of the SCI commenced prior to vesting day as part of the Local Government Reorganisation sub-workstreams. This ensured representatives from each former authority were involved in the preparation of the draft SCI, with oversight from workstream leads.
8. The draft SCI was reported to Somerset County Council Executive on the 18/01/2023 where the decision was made to consult on the draft document. Public consultation was undertaken for a six-week period between the 1 February and 16 March 2023. Briefing events were held to raise awareness of the consultation with specific stakeholders and to answer any questions. This included presenting the consultation material at agent's forum events and parish Council clerk briefing and training events. Consultation on the SCI was also integrated with the wider communications plan for the planning service to ensure consistent information regarding the consultation. In addition to consultation with external stakeholders, consultation on the draft SCI was also undertaken internally with relevant team and committees. This included briefing and seeking feedback on the draft SCI from relevant planning and regulatory committees of

the former four districts and county. Full details of consultation undertaken is provided in the accompanying consultation statement (Appendix 2).

9. A total of 164 representations were received on the draft SCI. Comments were received from a range of different stakeholders, including members of the public, Parish/Town/City Councils, planning agents/developers, resident and civic groups and statutory consultees. All comments have been considered and a number of changes and additions have been made to the final draft of the SCI to further improve the document. A summary of key changes made are set out in the table below. The Consultation Statement (Appendix 1) includes full details of all comments received and our response to them.

<b>SCI document section</b>	<b>Key Changes</b>
Paragraph 1.7 (introduction)	Additional wording to refer to key importance of engaging with parish/town/city councils and other local groups in all aspects of the planning system. This was following feedback that wording in this regard should be strengthened in the document.
Paragraph 1.14 (equalities and diversity)	Amended text to be clear that information can be made available in different formats, such as large print, easy read, audio and braille. This text now better reflects the Council's wider equalities and accessibility policy.
Paragraph 2.7 (duty to cooperate bodies)	Text amended following feedback to be clear the duty relates to neighbouring planning authorities.
Paragraph 2.13 (Planning Policy)	Wording amended following comments received to be clear that any future review of the Local Development Scheme will include explanation regarding any changes in plan preparation timescales.
Paragraphs 2.24 to 2.26 (Planning Policy)	Amendments to be clear that the consultation portal will be established in due course prior to commencing new planning policy documents, and to be clear specific consultation bodies don't need to sign up to the portal to be consulted.
Paragraph 2.53 (Conservation Areas)	Changes to text regarding consulting to be clear that conservation area appraisals and boundary reviews

	will include appropriate local community consultation.
Paragraph 3.8 to 3.12 (Pre-Application Stage)	Section comprehensively amended following feedback to strengthen the expectation for pre-application engagement with local communities, including Parish, Town and City Councils. Section states this should be early enough to genuinely inform proposals. Pre-app fees details included. Examples of consultation methods also now included, and reference made to Quality Review Panel.
Paragraph 3.17 (Who is consulted)	Following feedback from South Somerset regulatory committee reference now made to consultation directions, including for aerodrome safeguarding.
Paragraph 3.19 (Who is consulted)	Following feedback from AONB units wording has been amended when non-statutory consultees are consulted to be clear consultation will be undertaken in line with existing agreements regarding development size/location/constraints.
Paragraph 3.21 (Who is consulted)	Additional paragraph added to be clear amended plans or proposals may trigger the need for re-consultation.
Paragraph 3.27 (How do we consult)	Further wording following feedback from parish Councils to be clear that where consultation periods do not align with parish meetings then case officers will be pragmatic in terms of agreeing extensions of time.
Paragraph 3.29 (How to comment on planning applications)	Wording amended to be consistent with the equalities section and be clear that comments can be made online, via email or post, with details included on site notices and notification letters.
Paragraph 3.32 (What do we do with comments received)	Additional wording added to be clear that all comments received will be reviewed and considered as part of the process of determining an application.
Paragraph 3.34 (What do we do with comments received)	'Landscape' added as an example of a material planning consideration following feedback from AONBs.

Paragraph 3.39 to 3.40 (Decisions)	Section comprehensively amended to refer to the Council's constitution and make reference to the procedures set out here in terms of planning committee arrangements, public speaking and the referral processes.
Paragraph 3.47 (Enforcement)	New enforcement section added following consultation feedback. This links to the Council's published enforcement policy and how people can report a breach.
Appendices	Appendices reviewed based on comments received to improve clarity and name additional specific and general consultation bodies where required.

### **Links to Council Plan and Medium-Term Financial Plan**

10. Adoption of the SCI is an important step in helping to achieve the Council Plan 2023-27 vision and priorities in relation to its planning functions. Working with partners and existing and future residents is identified as part of the Council Plan priority for *A Greener, More Sustainable Somerset*. The SCI is also aligned to the priority for *A Fairer, Ambitious Somerset*, with the need to ensure people, whatever their background, can engage in the planning system and have their views heard.

### **Financial and Risk Implications**

11. There are no direct financial implications to adoption and implementation of SCI. In relation to Development Management (determination of applications) the consultation processes set out are already part of the day-to-day activities that the planning teams undertake in relation to the determination of planning applications. The purpose of the SCI in this regard is therefore principally about ensuring consistency between the Council's four planning areas.
12. Regarding preparation of planning policy documents the financial implications of this (including consultation and engagement) are set out as part of the report to approve the Local Development Scheme, which will be before Executive Committee as a separate agenda item. Some consultation exercises can be resource intensive. Wording in the 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.

- 13. Failure to adopt a new SCI has some risk implications. For example, failure to adopt a new SCI could 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 seeking to adopt the SCI at an early stage, prior to any Local Plan public consultation stages. The recommendation in this report will therefore mitigate this risk.

<b>Likelihood</b>	<b>1</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>3</b>
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**Legal Implications**

- 14. 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)

**HR Implications**

- 15. There are no immediate HR implications.

**Other Implications:**

## **Equalities Implications**

16. The draft SCI has been prepared in line with equalities legislation and an Equalities Impact Assessment is appended to this report (Appendix 3). 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. Following feedback from public consultation these measures have been made clearer and more consistent throughout the final document.

## **Community Safety Implications**

17. There are no immediate Community Safety implications.

## **Climate Change and Sustainability Implications**

18. 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. The SCI document helps guide preparation of the Development Plan, which in turn will play a leading role in delivering on the Council's Climate Emergency Strategy.

## **Health and Safety Implications**

19. There are no immediate Community Safety implications.

## **Health and Wellbeing Implications**

20. There are no immediate Health and Wellbeing implications.

## **Social Value**

21. There are no immediate Social Value implications. The decision does not include any commissioning or procurement of services.

## Scrutiny comments / recommendations:

22. The SCI was presented to Climate & Place Scrutiny on 20<sup>th</sup> September 2023. In relation to the SCI Scrutiny resolved to recommend to Executive:
- (i) That under the pre-application stage, paragraph 3.10 of the SCI should be amended to encourage applicants to consult with their neighbours.
  - (ii) That the Council should continue to serve both site notices and adjacent neighbour notifications and that the wording of 3.24 of the SCI be amended to reflect this. The wording of the recommendation to the Executive to be delegated to the Executive Director – Climate & Place in consultation with the Chair and circulated to the Committee.
23. Regarding the above recommendations the SCI as drafted sets out in paragraph 3.10 that the pre-application stage should include consultation by applicants with the local community. Regarding site notices and neighbour notifications, the asterisk to the statutory publicity requirements (Appendix C) makes clear that both methods may be used to publicise an application.

## Background Papers

24. None.

## Appendices

- **Appendix 1:** Statement of Community Involvement – Final Draft for Adoption
- **Appendix 2:** Consultation Statement
- **Appendix 3:** Equalities Impact Assessment

## Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	31/08/2023
Communications	Peter Elliott	19/09/2023
Finance & Procurement	Nicola Hix	22/08/2023
Workforce	Alyn Jones	26/09/2023
Asset Management	Oliver Woodhams	25/08/2023
Executive Director / Senior Manager	Mickey Green	25/09/2023



Strategy & Performance	Alyn Jones	26/09/2023
Executive Lead Member	Cllr Ros Wyke	25/08/2023
<b>Consulted:</b>		
Local Division Members	n/a	
Opposition Spokesperson	Cllr Mark Healey MBE Opposition Lead member for Prosperity, Assets and Development	22/09/2023
Scrutiny Chair	Cllr Martin Dimery Chair of Scrutiny Committee – Climate and Place	22/09/2023