

Waverley Borough Council

Report to: Overview & Scrutiny Committee - Services

Date: 23 January 2024

Ward(s) affected: All

Report of Strategic Director: Place

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Report Status: Open

Revised Statement of Community Involvement

1. Executive Summary

- 1.1 This report outlines the requirement for an update to the 2019 Statement of Community Involvement (SCI). The SCI sets out how the Council will involve communities and other stakeholders in plan-making and development management.
- 1.2 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires Local Planning Authorities to review their Statements of Community Involvement at least once every 5 years from their adoption date to ensure they remain relevant and effectively address the needs of the local community. The Waverley SCI therefore requires reviewing and updating as necessary.
- 1.3 There is no legal requirement to consult when reviewing and updating an SCI. Nevertheless, it is an important statutory document which sets out

the Council's policy for consulting and engaging with individuals, communities and other stakeholders, both in the preparation and revision of Local Development Documents and in development control decisions. It is proposed that, following input from the Overview & Scrutiny Services Committee, the draft SCI should be subject to a six-week period of consultation, before it (and the responses from consultees) is considered by the Executive and reported to Full Council for formal adoption. The proposed timeline is as follows:

- Update at Executive Briefing - 9 January 2024
- Input from O&S Services Committee – 23 January 2024
- Public consultation – February to March 2024 (6 weeks)
- Executive considers consultation response – May 2024
- Council adopts revised SCI – July 2024

1.4 The Council's approach to community involvement is likely to require further updating when the plan-making reforms set out in the Levelling Up and Regeneration Act 2023 come into force.

2. Recommendation to Overview and Scrutiny Committee

2.1 That the Committee provides feedback on the draft SCI to enable a final draft to be prepared for public consultation.

3. Reason(s) for Recommendation:

3.1 To meet the requirement to review the SCI at least once every 5 years from its adoption date.

3.2 National Planning Practice Guidance states that "*A local planning authority may review and update their Statement of Community Involvement at the same time as reviewing and updating a plan to reflect what action is taken to involve the community in any change to the plan.*" The updated SCI was identified as part of the work programme for preparing the new Local Plan as this will provide an up-to-date framework for engaging communities as part of the plan-making process.

4. Exemption from publication

4.1 No

5. Purpose of Report

- 5.1 To seek feedback on the draft SCI to enable a final draft to be prepared for public consultation.

6. Strategic Priorities

- 6.1 An up-to-date SCI will support the delivery of the following strategic priorities:
- A local, open, participative government; and
 - Effective strategic planning and development management to meet the needs of our communities.

7. Background

- 7.1 The Council must prepare an SCI setting out how it will engage communities and other stakeholders when carrying out its plan-making and development management functions. The SCI should also set out how the Council will provide advice or assistance to qualifying bodies to facilitate the preparation or modification of neighbourhood plans.
- 7.2 On 21 February 2023 the Council resolved that Local Plan Part 1 requires updating and made budget provision for work to commence in 2023/24. On 18 July 2023, the Full Council resolved that work should commence on a comprehensive update of the Local Plan, meeting the requirements of the existing development plan system but ensuring flexibility to migrate to the new system if implemented.
- 7.3 National Planning Practice Guidance (NPPG) highlights the importance of keeping the SCI up-to-date to ensure effective community involvement at all stages of the planning process. The aim of the SCI in relation to the new Local Plan will be to enable residents and stakeholders to help to shape the future of Waverley by sharing their views from the start of the plan making process and on an ongoing basis. The revised SCI also provides up-to-date guidance on how the Council will involve communities and stakeholders in the consideration of planning applications. Updating the SCI will not delay

initial communication and engagement relating to the new Local Plan, which will be undertaken in line with the current (2019) SCI.

- 7.4 The draft SCI provides a framework for community engagement within the planning process including:
- Who the Council will consult and when;
 - How communities can be involved in the preparation of the new Local Plan and the different stages of public consultation;
 - The methods the Council will use for consultation;
 - What the Council will do with the comments submitted to it; and
 - How the Council will involve communities in the consideration of planning applications.
- 7.5 The revised SCI takes a flexible approach to ensure that the degree of engagement is appropriate and proportionate to the matters being considered, and realistic having regard to the resources and time available. If the Council does not fulfil the elements of consultation as stated in the SCI, it may be open to legal challenges and claims of maladministration.
- 7.6 The 2019 SCI includes guidance on how the Council will engage with communities in the preparation of Local Plans and Supplementary Planning Documents. However, the changes introduced under the Levelling Up and Regeneration Act 2023 set out a new system for preparing local plans and will replace supplementary planning documents with supplementary plans, which will form part of the statutory Development Plan alongside the Local Plan and Neighbourhood Plans. The Act removes the requirement to prepare an SCI in relation to plan-making. The Government proposes to instead require authorities to outline their overall ambitions and approach to engagement and consultation through a Project Initiation Document. Regulations to implement these changes are unlikely to be in place until November 2024 at the earliest. The approach to community involvement may require further updating when these reforms are implemented.
- 7.7 The Council will use CommonPlace, an online consultation platform to facilitate much of the engagement set out in the SCI. The communications team is assisting with the preparation of a communications strategy for internal use, which will be produced in accordance with the requirements

of the SCI. This will provide a schedule of activities so that the project team knows when communications activity is due to take place, what it entails, and who will undertake the work.

7.8 It is intended that the revised SCI will be subject to public consultation prior to adoption. Whilst there is no statutory requirement to consult when reviewing or updating an SCI, doing so will enable the Council to seek the views of communities and stakeholders to ensure the SCI update provides an effective framework for engagement.

7.9 The SCI sets out the minimum level of consultation that will be carried out in relation to both the preparation and revision of Local Development Documents and to development control decisions. This does not mean that in certain cases additional consultation will not be carried out. It is important that the level of consultation is proportionate to the scale of development proposed due in part to cost and resource implications and the need for the Council to behave in a fair and reasonable manner.

8. Consultations

8.1 As outlined in this report, subject to any amendments proposed by the Overview and Scrutiny: Services Committee, the revised Statement of Community Involvement will be subject to public consultation in February/ March 2024. The revised SCI and consultation responses will then be reported to the Executive to enable a final document to be recommended to the Council for adoption.

9. Key Risks

9.1 Uncertainty over implementation of planning reforms and transitional arrangements. The Updated SCI does not include detailed guidance on how the Council will engage with communities as part of the new Local Plan and Supplementary Plan making process (including Design Codes). Officers will produce a further update once regulations and/or guidance are issued.

10. Financial Implications

- 10.1 The direct costs of updating the SCI are limited to printing and distributing documents to local libraries. Consultation will be via email and consultees will be encouraged to provide responses online. A media release will be issued encouraging communities and stakeholders to engage in the process.
- 10.2 The consultation methods set out in the SCI involve varying degrees of cost. The indicative budget for the Local Plan update agreed by the Council on 21 February 2023 included £30,000 for stakeholder and community engagement throughout the preparation of the Plan. This will cover anticipated costs including a contribution to the cost of the CommonPlace platform. Other sources of funding will be sought to support additional/ innovative forms of engagement, including those targeted at hard to reach/ seldom heard groups including young people.
- 10.3 There is no significant change proposed to the way communities and stakeholders are consulted on planning applications and therefore there should be no additional budgetary pressure resulting from the draft SCI as existing budget is already allocated for this activity.

11. Legal Implications

- 11.1 By reviewing and updating its SCI, the Council is complying with the requirements set out in section 18 of the Planning and Compulsory Purchase Act 2004 and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 11.2 The Executive Head of Legal & Democratic Services has advised that:
- Consultation should be undertaken on the draft SCI as there will be a legitimate expectation by the public of such consultation.
 - No decisions should be made before the outcome of the consultation is known so that it is genuine consultation.
 - The governance route should allow feedback received from the public to be considered, and any appropriate changes made to the SCI, before taking it to Exec and full Council for adoption.

12. Human Resource Implications

- 12.1 No HR implications arising from the revised Statement of Community Involvement.

13. Equality and Diversity Implications

- 13.1 An Equality Impact Assessment (EqIA) has been undertaken to evidence how the Council is addressing the Public Sector Equality Duty under the Equality Act 2010. This identifies a neutral impact for protected characteristics groups. This is because the SCI sets out a wide range of consultation methods that may be used. It will be necessary to consider which of these are best to engage an intended audience for individual consultations.

14. Climate Change/Sustainability Implications

- 14.1 There are no climate change/sustainability implications arising from the revised Statement of Community Involvement as it is purely a procedural document.

15. Suggested issues for Overview & Scrutiny

- 15.1 Feedback is invited on the draft SCI proposals for engaging communities and other stakeholders in both plan-making and the consideration of planning applications.

16.0 Summary of Options

- 16.1 To endorse the publication the revised Statement of Community Involvement for public consultation (recommended). This will ensure the Council has an up-to-date SCI which sets out how it will engage with its communities, including in the preparation of the new Local Plan.
- 16.2 To not agree the publication of the revised Statement of Community Involvement, but instead wait for guidance and regulations to provide greater detail on the changes to the plan-making system. This could result in a considerable delay in updating the SCI, leaving out of date information

in the public domain. In any event, the Council would still be required to review its SCI within 5 years from the date of its adoption.

17. Background Papers

18.1 None.

Appendices

Appendix 1 – Revised Statement of Community Involvement

Please ensure the following service areas have signed off your report. Please complete this box, and do not delete.

Service	Sign off date
Strategic Director - Place	3/1/24
Finance / S.151 Officer	
Legal / Governance	5/1/24
HR	
Equalities	
Lead Councillor	13/12/23
CMB	
Executive Briefing/Liaison	9/1/24
Committee Services	