

Waverley Borough Council

Report to: Executive

Date: 9 July 2024

Ward(s) affected: All

Report of Strategic Director: Place

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Report Status: Open

Key Decision: No

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 its 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.
- 1.4 Following input from the Overview & Scrutiny Services Committee on 23 January 2024, the draft SCI was published for public consultation for a seven week period from 1 March to 19 April 2024. 47 representations were received and are summarised at Appendix 1. Following consideration of these representations, a number of revisions are proposed. These are shown as tracked changes in the draft SCI at Appendix 2. Some of the points raised by consultees relate to operational matters rather than the content of the SCI. While not necessitating changes to the SCI, this feedback is welcomed, and officers will consider the matters raised.
- 1.5 The Council's approach to community involvement is likely to require further updating if and when the plan-making reforms set out in the Levelling Up and Regeneration Act 2023 come into force.

2. Recommendation

That the Executive:

(i) Notes the consultee responses; and

(ii) **Recommends** that Council adopts the revised Statement of Community Involvement.

3. Reasons for Recommendation:

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

4. Exemption from publication

- 4.1 No

5. Purpose of Report

- 5.1. To consider the updated SCI and consultee responses and to recommend that the SCI is adopted by Council.

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 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 challenge.
- 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. The Act also 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 if these reforms are implemented.
- 7.7 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 management 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. A report considered by the Overview & Scrutiny Services Committee on 23 January 2024 set out that the revised SCI would be subject to public consultation, and consultation responses would then be reported to the Executive to enable a final document to be recommended to the Council for adoption. The Committee noted the report and requested that the BID groups in the towns be added to the list of consultees. This has been done.
- 8.2. The revised Statement of Community Involvement was subject to public consultation for seven weeks from 1 March to 19 April 2024. Whilst there is no statutory requirement to consult when reviewing or updating an SCI, doing so enabled the Council to seek the views of communities and stakeholders to ensure the SCI update provides an effective framework for engagement.
- 8.3. The consultation on the SCI coincided with the launch of the new CommonPlace engagement platform for the proposed new Local Plan on 1 March 2024. The updated SCI was published on CommonPlace and notification letters were sent to consultees on the planning policy consultation database. A press release was also published on the Waverley website and covered by BBC South East. Details of the consultation were posted on social media.
- 8.4. Feedback was sought on each section of the SCI and representations have been received from 47 individuals and organisations. These have been valuable in refining the SCI and the Council's approach to undertaking consultation on CommonPlace Summaries of the consultation responses are attached at Appendix 1.

8.5. The changes to the SCI are mainly points of clarification and factual updating. They include the following changes:

- References to 'hard to reach groups' replaced with 'seldom heard groups'
- Factual updates to paragraph 10.1
- Reference to Residents' Associations added to paragraph 11.6
- Text added to section 5 on how to submit comments
- Factual updates to section 11 and Appendix 2 regarding planning application notifications and the display of site notices
- Factual updates to specific consultation bodies and duty to co-operate bodies in Appendix 1.

8.6 Some of the points raised by consultees relate to operational matters rather than the content of the SCI. While not necessitating changes to the SCI, this feedback is welcomed, and officers will consider the matters raised.

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

10.2 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.

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 Once adopted, the Council must demonstrate how it has used and complied with the consultation requirements set out in the SCI at the various stages of local development document preparation.

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. Summary of Options

- 16.1 Option 1 – To recommend that the Council adopts the revised Statement of Community Involvement (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 Option 2 -To recommend that the Council does not adopt the revised Statement of Community Involvement, but instead waits 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.

16. Conclusion

- 1.1. Following a seven-week period of consultation on the updated Statement of Community Involvement (SCI), a final version of the SCI has been produced for adoption. This is an update to the SCI adopted in July 2019 and will provide the framework for how the Council will engage with communities in the preparation of the new Local Plan and in determining planning applications.

17. Background Papers

- 1.2. None

18. Appendices

- 1.3. Appendix 1 – Summary of consultation responses

Appendix 2 – 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 & Initials
Finance / S.151 Officer	20.6.24
Legal / Governance	20.06.2024
HR	-
Equalities	-
Director / CMB	17.06.2024
Lead Councillor	28/6/24
Executive Liaison/briefing	25.06.2024
Committee Services	28/6/24