



CABINET:
14 January 2020

PLANNING COMMITTEE:
20 February 2020

Report of: Corporate Director of Place and Community

Relevant Portfolio Holder: Councillor D Evans

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SUBJECT: DRAFT STATEMENT OF COMMUNITY INVOLVEMENT 2020

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval to consult on a draft new Statement of Community Involvement.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That, subject to 2.2 below, the draft West Lancashire Statement of Community Involvement 2020 attached at Appendix A be approved for public consultation
- 2.2 That delegated authority be given to the Corporate Director of Place and Community in consultation with the Portfolio Holder for Planning to consider revision of the draft West Lancashire Statement of Community Involvement 2020 in the light of any agreed comments from Planning Committee, prior to public consultation.

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 3.1 That the content of this report and the draft West Lancashire Statement of Community Involvement 2020 attached at Appendix A to this report be considered, and that agreed comments be referred to the Corporate Director of Place and Community.

4.0 BACKGROUND

- 4.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement (SCI). The SCI explains how the authority will engage local communities and other interested parties in producing their planning policy documents and determining planning applications. The SCI has legal status in that its minimum standards, once adopted, need to be adhered to at all times. For example, one of the 'Tests of Legal Compliance' against which local plans are assessed at examination is whether the consultation undertaken on the local plan has complied with the SCI.
- 4.2 There are various legislative requirements for local planning authorities to consult with stakeholders whilst carrying out their planning functions. For example, the Town and Country Planning (Local Planning) (England) Regulations 2012 require public participation when preparing certain planning policy documents. Similarly, the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the minimum requirements for consultation on different types of planning applications. Consultation is also required in relation to the Community Infrastructure Levy, Neighbourhood Plans, Tree Preservation Orders, and reviews of Conservation Area designations.
- 4.3 The first West Lancashire SCI was adopted by the Council in July 2007. In January 2009, an Addendum to the 2007 SCI was published, reflecting updated (2008) government Regulations which made significant changes to the planning process.
- 4.4 In the light of further significant changes to planning legislation, the introduction in West Lancashire in 2014 of the Community Infrastructure Levy (which requires periodic consultation), and the evolution of technology since 2007 (for example, the increasingly widespread use of social media and mobile telecommunications, both of which offer new opportunities in terms of consultation), a new West Lancashire SCI was adopted in 2016, to replace the 2007 SCI and its 2009 Addendum.
- 4.5 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) require that SCIs be updated every 5 years.

5.0 CURRENT POSITION

- 5.1 Since 2016, there have been more changes to planning procedure, and to the resources available to the Council to carry out its various consultations. Social media and electronic communications continue to evolve, both in their functionality and in the extent of their use.
- 5.2 It has often been Council practice when consulting to go above and beyond the requirements set out in the SCI. Whether the standards for consultation set out in the SCI are an absolute minimum (i.e. complying with the letter of the law, but going no further), or whether they are higher, it is always possible in theory for the Council to exceed the provisions of its SCI. However, it is important to strike an acceptable balance between aspiring to the best possible practice, and raising people's expectations to the extent that unreasonable demands are made on the Council in future consultation exercises.

- 5.3 In the light of the above, not least the requirement for a five-yearly SCI update, it has become necessary to revise the West Lancashire SCI. The draft West Lancashire SCI 2020 at Appendix A to this report takes account of the changes to planning legislation and procedure since 2016, and amends the minimum standards for publicity and engagement for certain areas of planning work. It is worth noting that the 2020 SCI's standards still exceed the legislative minimum for the majority of planning functions.
- 5.4 It is proposed to publish the draft West Lancashire SCI 2020 for a six week period of stakeholder consultation from Thursday 27 February to Thursday 9 April 2020. All representations received will be considered and, where appropriate, the SCI will be amended before being brought back to Cabinet for adoption. In the meantime, the Draft SCI will be discussed at the January meeting of the Local Plan Cabinet Working Group, so that any comments from Members of that group can be fed into the process after the public consultation.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 The principle of sustainable development is a 'golden thread' running through plan making and decision taking on planning matters. By setting out procedures and standards for community engagement in preparing planning documents and in determining planning applications, the SCI provides stakeholders with greater clarity on how they may make representations on sustainability (and other) matters, in order that these be taken into account.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from this report. All public consultation in relation to planning documents, planning applications and other planning services that is carried out by the Council is funded through the Growth and Development Service's revenue budget.

8.0 RISK ASSESSMENT

- 8.1 Updating the current SCI to take into account changes to government legislation, changes to consultation methods, and changes to resource availability will help to ensure that local communities and other interested parties can remain engaged with the Council as new planning policy documents emerge and as planning applications are determined. This will assist in ensuring that the Council continues to adopt sound planning policies and reach robust planning decisions, and remains legally compliant when carrying out these aspects of its planning function.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix B to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

Appendix A – Draft West Lancashire Statement of Community Involvement 2020

Appendix B – Equality Impact Assessment

Appendix C – Cabinet Minute 14 January 2020