



AGENDA ITEM:

CABINET: 8 September 2020

PLANNING COMMITTEE: 10 September 2020

Report of: Corporate Director of Place and Community

Relevant Portfolio Holder: Councillor D Evans

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**SUBJECT: ADOPTION OF THE WEST LANCASHIRE STATEMENT OF
COMMUNITY INVOLVEMENT 2020**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek Cabinet's approval for the adoption of the West Lancashire Statement of Community Involvement 2020 ('SCI') and the Addendum to the West Lancashire SCI 2020.

2.0 RECOMMENDATIONS TO CABINET

2.1 That, following consideration of the Consultation Report at Appendix B and the Adoption Statement at Appendix C, the West Lancashire Statement of Community Involvement 2020 ('SCI') and its Addendum at Appendix A be adopted subject to any amendments made by the Corporate Director of Place and Community in consultation with the Portfolio Holder (and with the tracked changes accepted), following consideration of the West Lancashire SCI 2020 and its Addendum by Planning Committee, as per recommendation 2.2 below.

2.2 That the Corporate Director of Place and Community be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the West Lancashire SCI 2020 and its Addendum in the light of agreed comments from Planning Committee, before the document is published.

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

3.1 That the content of this report, the SCI and its Addendum attached at Appendix A, and the Consultation Report at Appendix B be considered, and that agreed comments be referred to the Corporate Director of Place and Community for consideration, in consultation with the Portfolio Holder.

4.0 BACKGROUND

- 4.1 Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce an SCI. The SCI explains how the authority will engage local communities and other interested parties in producing their planning policy documents and in 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 The first West Lancashire SCI was adopted by the Council in July 2007. In January 2009, an Addendum to the SCI was published, reflecting updated (2008) government Regulations which made significant changes to the planning process.
- 4.3 In the light of further significant changes to planning legislation, for example the concept of neighbourhood plans, 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 'smartphones', 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.
- 4.4 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. Furthermore, the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) now require that SCIs be updated every 5 years.
- 4.5 Consequently, a revised SCI was prepared in 2019/2020 – the draft West Lancashire SCI 2020, reflecting the above changes. In January 2020, Cabinet authorised a six week public consultation on this document, running from 27 February to 9 April 2020.
- 4.6 COVID-19 restrictions took effect during March 2020, meaning that places such as libraries (where paper copies of the 2020 SCI were available for inspection) were closed, and bodies such as Parish Councils and residents' groups were unable to meet together to consider and agree responses to the SCI. In the light of these unforeseen difficulties, the consultation deadline was extended to 31 May 2020.
- 4.7 18 consultation responses were received on the draft 2020 SCI as follows:
- Parish Councils 4
 - National government agencies 4 (two making 'no comments')
 - Local organisations / pressure groups 3
 - Neighbouring local authorities 2
 - Other national bodies 2
 - Individuals 2
 - Local landowner 1

- 4.8 A very brief outline of the comments made is as follows:
- The use of plain English in the draft document and the extension to the consultation period were both welcomed.
 - Views were expressed that the Council is more in touch with developers than with the local community, reinforced by the 2018 Local Plan Review consultation process.
 - Increased and / or ongoing consultation with Parish Councils was requested
 - Where the draft 2020 SCI had proposed relaxing some of the commitments to consultation (e.g. on non-statutory stages of preparing local plans), it was asked that the higher standards in the 2016 SCI be reinstated, e.g. by committing to consult at non-statutory stages of local plans, and providing feedback reports from consultations.
 - It was requested that planning policy documents be placed on deposit at a wider range of locations, e.g. post offices.
 - The Council should allow for consultation responses to be submitted by email, and by (paper) letter.
 - There should be greater publication of pre-application advice, in particular to Parish Councils, when planning applications are subsequently submitted.
 - Neighbour notification of planning applications should be wider than just properties immediately adjoining the application site.
 - It was requested that additional categories of people / organisations should be allowed to address Planning Committee, and that they should be allowed to speak for longer than three minutes.
 - The dissolution of the Conservation Area Advisory Panel was criticised, and it was asked that the Panel be reinstated.
 - It was recommended that the SCI cover additional matters, e.g. enforcement (including of Tree Preservation Orders), Buildings at Risk, and hedgerows.
- 4.9 The Consultation Report at Appendix B contains a full listing (ordered by SCI paragraph) of the comments submitted during the consultation and the Council's response to these.

COVID-19

- 4.10 Since the consultation on the draft 2020 SCI opened, the COVID-19 lockdown has had significant implications, not just in terms of the length of the SCI consultation period, but for consultation in general. For example, face-to-face and public meetings have been proscribed or at least have been subject to tight constraints, and libraries – where policy documents being consulted upon are traditionally placed on deposit – have been closed. Since March 2020, it has not been possible to undertake consultation on local plans and other documents in accordance with the SCI.
- 4.11 Central government has made changes to legislation and to national planning practice guidance ('PPG') in response to the COVID-19 crisis and its effects on planning and local government. These include the following:
- (i) The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and

Wales) (Amendment) Regulations 2020 came into force on 1 August 2020, and allow for 'virtual' (online) Council meetings (e.g. Cabinet and Planning Committee)

- (ii) The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020, came into force on 16 July / 12 August 2020, and temporarily remove the requirement for a local planning authority to make documents available for public inspection at the authority's principal office and at such other places as the authority considers appropriate, and also temporarily remove the requirement on the local planning authority to provide hard copies of documents.

4.12 On 13 May 2020, the government added three new paragraphs to national Planning Practice Guidance ('PPG'; reference nos. 61-078-201200513 to 61-078-201200513), advising that Councils review their SCIs immediately and that they consider:

- making temporary amendments to SCIs to allow plan-making to progress;
- promoting effective community engagement by means which are reasonably practicable. They are strongly encouraged to use online engagement methods to their full potential, for example virtual exhibitions, digital consultations, video conferencing, social media and providing documents for inspection on a public website;
- taking reasonable alternative and creative steps to ensure those without internet access are still involved, for example consulting through representative groups rather than directly, targeting only people in areas most affected by proposals, and allowing individuals to nominate an advocate to share views on their behalf;
- consulting by telephone or in writing where this is feasible, and the only option; and
- combining different public consultations so that offline methods can be made more cost effective.

4.13 Paragraph 78 advises that there is no legal requirement for local planning authorities to consult when reviewing and updating their SCI, although it is good practice for authorities to inform the public of their intentions to update the document and of the changes that have been made.

5.0 PROPOSALS

5.1 In the light of comments made during the public consultation on the Draft 2020 SCI, and in order to improve the clarity of the document in places, changes have been made to the SCI. The changes made, and the reasons for making them, are set out in the schedule in Appendix C – Adoption Statement.

5.2 In the light of COVID-19 and its implications, the most effective way to proceed would be to prepare an Addendum to the SCI which would have effect whilst COVID-19 restrictions were in place, and / or whilst amendments to national Regulations and / or planning policy were in force, and which would cease to have effect once the restrictions were lifted. Thus the Addendum would apply for a temporary period, but could be 'reinstated' if COVID-19 restrictions, or any similar restrictions, were implemented again in future. Such an approach would mean

that wholesale changes would not need to be made to the SCI itself, and that the SCI should be less complex in that it would not need one set of consultation standards to apply in 'normal circumstances' and another set of standards to apply when restrictions are in place.

- 5.3 The Addendum to the 2020 SCI is at Appendix A to this report, and would be adopted alongside the 2020 SCI.

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.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 There are no direct implications for health and wellbeing from the recommendations in this report.

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. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix D to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

Appendix A – West Lancashire Statement of Community Involvement 2020 (including Addendum)

Appendix B – West Lancashire SCI 2020 – Consultation Report

Appendix C – West Lancashire SCI 2020 – Adoption Statement

Appendix D – Equality Impact Assessment