

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Cabinet
<b>Date:</b>	10 October 2023
<b>Title:</b>	Statement of Community Involvement
<b>Report From:</b>	Director of Hampshire 2050

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### Purpose of this Report

1. The purpose of this report is to provide a summary of the main outcomes of the public consultation exercise on the update to the adopted Hampshire Statement of Community Involvement (2017) for planning matters.
2. The Statement of Community Involvement is a development plan document, as required by the Planning and Compulsory Purchase Act 2004, that sets out how the County Council will involve consultees, interested parties and local communities in the preparation of Local Plan documents and planning applications.
3. The report highlights the changes made within the updated Statement and the outcomes of the public consultation on those changes, and seeks approval of the updated version of the Statement.

### Recommendation

4. That the updated Hampshire Statement of Community Involvement be approved and a recommendation made to the County Council that it be adopted as a statutory planning document in accordance with the Planning and Compulsory Purchase Act 2004.

### Executive Summary

5. The Statement of Community Involvement is a statutory planning document, as required by the Planning and Compulsory Purchase Act 2004, which sets out how the County Council will involve consultees, interested parties and local communities in preparing and reviewing minerals and waste planning policy documents and local decision making on planning applications for minerals, waste and County Council developments.
6. The Statement is required to be reviewed and updated every five years, to ensure it is up to date with current legislation and providing an opportunity to review current processes and procedures.

7. The current Statement of Community Involvement remains the adopted development plan document until such time as it is replaced by a subsequently adopted Statement.

### **Contextual information**

8. A Statement of Community Involvement was adopted by the County Council on 2 November 2017. In 2018 the Regulations were updated meaning that Statements of Community Involvement now have to be updated regularly, at least every five years.
9. The Statement of Community Involvement has therefore been updated, the key changes and reasons for those changes are as follows:

#### *Legislative and policy updates*

10. Since the current Statement of Community Involvement was adopted there have been legislative and policy changes which require references within the document to now be updated. These include the Town and Country Planning (Environmental Impact Assessment) 2017 Regulations, the Levelling Up and Regeneration Bill (2022) and associated planning reforms.

#### *Changes to make the Statement easier to read and understand*

11. The Statement has been reduced in length, where possible repetition has been removed, and efforts have been made to ensure the Statement is as easy to understand as possible given the technical nature of the planning process, and the specific role of the County Council as a planning authority.

#### *Reference to social media and wider consultation techniques*

12. The County Council now uses social media platforms, such as Twitter, Instagram and Facebook, to engage with the community. The Statement has therefore been updated to reflect this as one of the ways planning consultations may be publicised.
13. With advances in technology, there are now even more tools that can be used to engage the community when consulting on planning matters. These include virtual classrooms, videos and interactive mapping tools. The Statement has been updated to reflect this.
14. The Statement has also been updated to reflect the fact that County Council now produces a newsletter to keep those who have opted to receive updates on minerals and waste planning informed.

#### *Reference to Freedom of Information Act 2000 and Environmental Information Regulations 2004*

15. The Freedom of Information Act 2000 and Environmental Information Regulations 2004 enable members of the public to access any recorded information held by, or on behalf of, the County Council. Reference to this, and how to find out more information about making a request for information has been included in the Statement.

#### *Update to current processes*

16. The County Council has made recent improvements to its planning processes, largely because of improvements to the web-based system that manages

planning applications. The Statement now includes reference to petitions and the County Council's process for dealing with them if they are submitted in relation to either the plan-making process or a planning application.

#### *Change to the planning application consultation period*

17. The County Council is under increasing pressure to ensure that planning applications are processed within the timescales set out within the relevant planning Regulations. In order to ensure the process is as streamlined as possible, it is proposed to amend the consultation period for all consultees commenting on planning applications from 28 days to 21 days.
18. At present, all statutory consultees are given the minimum 21 days within which to respond to planning applications, however the adopted Statement of Community Involvement provides other interested parties with 28 days. The Town and Country Planning (Development Management Procedure) Order 2015 states that a minimum of 21 days should be provided to invite comments on planning applications. The change is therefore intended to regularise the consultation period and provide consistency across consultees in line with the Regulations. There are certain situations where increased timescales are required by the Regulations and therefore these will be adhered to.

### **Consultation and Equalities**

19. A public consultation exercise was undertaken from 19 June to 30 July 2023 on the updated Statement. Despite promoting the consultation using the County Council's social media platforms, a total of three responses were received. These have been summarised in a report (see Annex A) which also identifies how they have been taken into account. Whilst it is disappointing that more responses were not received, it may be that the changes to the Statement were not significant enough to warrant commenting.
20. The final version of the SCI, which has been updated following the consultation, is appended to this report in Annex B.
21. The decision sought in this report will not reduce the scope of the service provided and will have minimal impact on service users or the individuals working on the service, so has been assessed as having a neutral impact on groups with protected characteristics.

### **Climate Change Impact Assessments**

22. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
23. The tools to assess specific impacts on climate change adaptation and mitigation were found not to be applicable on the grounds that the decision relates to the update of the Statement of Community Involvement which is a

procedural document and not a project. The Hampshire Minerals and Waste Plan contains a climate change policy and any minerals or waste applications submitted to the County Council are determined in accordance with this policy and, in the case of County Council applications, the equivalent policy within the relevant Local Plan.

## **Conclusions**

24. The Hampshire Statement of Community Involvement has been updated to ensure that it complies with planning legislation, and to reflect current processes and procedures.
25. The public consultation did not yield many responses, however the document has been updated to reflect those that were helpfully provided.
26. It is recommended that the updated Statement be recommended to County Council for adoption as a statutory planning document.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

The decision sought in this report will not reduce the scope of the service provided and will have minimal impact on service users or the individuals working on the service, so has been assessed as having a neutral impact on groups with protected characteristics.

## ANNEX A: Consultation Report

### Hampshire Statement of Community Involvement

#### Consultation Report - August 2023

1. The consultation on the revised Statement of Community Involvement ran from 16 June to 30 July 2023. Despite promoting the consultation using the County Council's social media platforms, only three responses were received: two from local residents and one from Surrey County Council. These responses are summarised in Table 1.

Table 1: Summary of responses

Respondent	Summary of comment	Officer Response	Amendments
Local Resident	My daughters neighbour submitted plans for changes to their house which were passed. Then proceeded to ignore plans and are building what they like. So far taken 8 months, it is a building site! When challenged they submitted amended plans and they were passed retrospectively, even though they broke boundary lines. Why should anyone agree to new planning policies when existing ones are flawed - it's a joke!	Noted	No changes to the Statement required
Local Resident	An utter waste of time. You have no interest in the views of local residents just a need to meet centrally imposed development targets. As for Neighbourhood Plans they are not worth the paper they are written on. In my parish we had a neighbourhood plan supported at a referendum by 96% of residents Within days what had been planned had a horse and cart ridden through it The LA did not have enough strategic land supply Three years of	Noted	No Changes to the Statement required

	<p>pointless work and we lost every planning appeal despite being assured that the Neighbourhood Plan had value.</p> <p>I no more believe your proposals than I believe in neighbourhood plans It is a con</p>		
Surrey County Council	<p>Top line, I like the layout and structure. A few typos I spotted have been highlighted, a few links missing and a few other minor suggestions. The only major omission I found (throughout the document) is the Public Service Infrastructure type of application (major Reg 3 school, etc. applications). Perhaps you do not get any at HCC, but we certainly do at SCC. These have different consultation and determination periods to standard applications, so should probably be referenced. We're about to review our SCI and that's one of the major things we're conscious needs adding.</p>	Noted	<p>Statement amended to correct spelling and grammatical errors, and provide missing links, and other comments taken on board as set out in Table 2.</p> <p>Reference to Public Service Infrastructure applications added to the Statement where needed.</p>

2. In response to the consultation, the Statement has been updated and a schedule of those changes is set out in Table 2.

**Table 2: Schedule of changes to the Statement following consultation**

<b>Section of the Statement</b>	<b>Proposed Change</b>
<u>General amendments</u>	The document has been amended to correct spelling and grammatical errors, provide web links where they are referenced in text.



	The document has also been amended to improve the accessibility, simplifying text and removing jargon and acronyms where possible. It has also been amended to say 'we/our' rather than repeating 'the County Council' throughout the document.
<b>How to get involved in Planning in Hampshire</b>	Reference has been made to the infrastructure the County Council provides, in addition to the services.
<b>1. INTRODUCTION</b>	
<b>What is covered by the SCI?</b>	Figure 1, the map showing the area covered by the SCI, has been updated to make it easier to read.
<b>What is not covered by this SCI?</b>	Para 1.15 - the other Hampshire minerals and waste authorities were listed twice so this has been amended to avoid repeating the information.
<b>Meeting the Duty to Cooperate</b>	Para 1.17 – the other Hampshire Minerals and waste authorities have been listed separately to make it easier to read.
	Para 1.18 – clarification that the Planning Policy Guidance supports the National Planning Policy Framework.
<b>How does the SCI link to Hampshire's Corporate Strategy, Policies and Procedures?</b>	
<b>Corporate Strategy</b>	Para 1.22 – the text has been simplified with reference only to the corporate strategy and its aims.
<b>Changes to government guidance and regulations</b>	Paras 1.34 and 1.35 have been removed as the information duplicates that in para 1.5.
<b>Privacy and protection</b>	Para 1.38 has been amended to clarify that the Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulations (GDPR).
	Para 1.44 has been amended to clarify that the Regulatory Committee makes decisions in accordance with the constitution, and signposts to the relevant section that explains this.
<b>2. PREPARING DEVELOPMENT DOCUMENTS</b>	
<b>Preparation of a Minerals and Waste Local Plan</b>	

<b>Petitions</b>	Para 3.26 added to set out the criteria that a petition must meet to be accepted.
<b>Commenting on SPD</b>	Commenting on SPD – para 3.38 removed as this repeats information provided subsequently in new para 3.39.
<b>4. DECISIONS ON PLANNING APPLICATIONS</b>	
	Figure 6 – text amended under ‘County Council (own proposals)’ to refer to <i>Highway and transport schemes</i> rather than <i>Local Highway Authority schemes</i> for clarity.
	Link provided to the Development Control Charter as referenced in para 4.4.
<b>Publicity and consultation on planning applications</b>	Para 4.13 – reference to Public Service Infrastructure applications added. Additional detail relating to EIA application removed as unnecessary in the context of the sentence.
<b>Press Notices</b>	Reference to Public Service Infrastructure applications added to para 4.18.
<b>Site Notices</b>	Reference to Public Service Infrastructure applications added to para 4.22.
<b>Neighbourhood Notification</b>	Paragraph 4.30 which referred to an alternative neighbour notification approach for EIA developments has been removed following comments made by Surrey County Council regarding how ‘the area identified by the accompanying Environmental Statement’ could be interpreted and the likelihood of challenge to this – particularly when some Environmental Statements demonstrate impacts over a significant geography. Following discussion, and in light of the fact that the Case Officer is able to extend neighbour notification boundaries on a case-by-case basis as set out in new para 4.29, it has been determined that removing this paragraph would remove any confusion or potential conflict over the extent of notifications for EIA development.
	Reference to Public Service Infrastructure applications added to new para 4.30.
<b>Consultation with statutory and non-statutory consultees</b>	Reference to Public Service Infrastructure applications added to para 4.36.
	Reference to Public Service Infrastructure applications added to para 4.38.
<b>How to comment on a planning application</b>	Para 4.43 – reference has been removed to the ‘what should comment’s cover’ section as this is the next section and so it was deemed unnecessary.
<b>How long do communities and other interested parties have to respond to a planning application?</b>	Reference to Public Service Infrastructure applications added to para 4.48.

<b>What happens to responses when they are received?</b>	Para 4.55 – a link to the Strategic Planning Privacy Notice has been added.
<b>Decision Making</b>	Reference to Public Service Infrastructure applications added to para 4.58.
	This section on decision making has been amended so that it sets out what the constitution says about decision making. This is to make it clear when an application is to be determined by Regulatory Committee and when a delegated decision can be made. A link has been provided to the specific part of the constitution that sets out this information.
<b>Planning appeals – publicity, notification and determination</b>	A link has been provided in para 4.70 to the website which has information about planning appeals.
<b>Get involved in a site liaison panel</b>	A link to the website has been provided in para 5.5 which has information about liaison panels.
<b>Helping us to ensure development does not take place without planning permission</b>	A link has been provided in para 5.10 to the Planning Enforcement and Site Monitoring Plan.
<b>Glossary</b>	Redacted – ‘content removed or blacked out’ added to the end of the sentence.
<b>Appendix A</b>	Table replaced with higher quality image.