

## POLICY AND RESOURCES COMMITTEE – 13 JUNE 2022

### PART I – NOT DELEGATED

#### 12A ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT (SCI) FOR THE SW HERTS JOINT STRATEGIC PLAN (DCES)

##### 1 Summary

- 1.1 This report seeks agreement of a Statement of Community Involvement for the South West (SW) Herts Joint Strategic Plan (SCI), which sets out the broad parameters that will guide all consultation on the emerging strategic plan.

##### 2 Details

- 2.1 The role of a Statement of Community Involvement is to set out the partner Councils' approach for involving the community when preparing the SW Herts Joint Strategic Plan (JSP). The requirements for preparing SCIs are set out in Section 18 of the Planning and Compulsory Purchase Act 2004.

- 2.2 Planning Practice Guidance issued by central government states that:

*“Local planning authorities must review their Statements of Community Involvement every 5 years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement. 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.”*

##### Context

- 2.3 As Members will be aware, the SW Herts Joint Strategic Plan (JSP) covers the Local Authority areas of Three Rivers, Dacorum, St Albans, Watford and Hertsmere, and also has the support of the County Council. The JSP will look at the long term future and ambitions for SW Herts, as well as the strategic growth opportunities until 2050.
- 2.4 In accordance with the Regulations, the proposed SCI for the JSP is limited in scope – covering only the consultation that will be carried out as part of the strategic plan-making process. Development Management matters will remain the responsibility of the local authority area in which they are located and consultation on planning applications will therefore continue to be governed by the SCI for the relevant council area. Three Rivers' own SCI will also continue to cover consultation arrangements relating to the district's Local Plan.
- 2.5 The content and structure of the SCI is consistent with that of Three Rivers' own SCI. This in turn reflects the requirements of relevant national planning regulations governing statutory plan consultation, whilst also highlighting the increasing importance of online messaging, through social media and other platforms, in raising awareness of plan consultations.
- 2.6 The statutory JSP SCI will be supplemented by a more detailed and public facing Communications and Engagement Strategy that will be drawn up to support the JSP. This strategy will run alongside the SCI, and will be updated for each plan-making

stage, setting out the detailed consultation arrangements. It is not considered appropriate to cover these detailed arrangements within the SCI itself, as they will be tailored to the nature of each consultation, insofar as time and resources allow, thereby allowing the evolution of the JSP to reflect and respond to emerging best practice in terms of approaches to engagement.

- 2.7 In accordance with the JSP governance structure, the SW Herts JSP Planning Members Group (SPMG) – which comprises the Planning Portfolio Holder for each of the SW Herts authorities – and the JSP Steering Group – which comprises Chief Executives, Managing Directors or Corporate Directors of each of each authority has supported the principle of having a high level SCI, with more detailed consultation strategies drawn up for each specific consultation stage.
- 2.8 Hertfordshire County Council do not need to formally endorse the SCI but have confirmed their support for the approach set out within it.

#### Consultation arrangements

- 2.9 There is no longer a legal requirement to consult on the content of SCIs. However, this Council, and a number of the other Councils within the SW Herts area have previously chosen to carry out targeted engagement on their documents. For consistency this approach was applied to the SCI for the SW Herts JSP.
- 2.10 The SW Herts JSP team co-ordinated consultation with statutory consultees. These are listed in Appendix 1 of the SCI document. This included organisations such as Natural England, the Environment Agency, key utilities companies, adjoining local authorities and town and parish councils within the SW Herts area.
- 2.11 These organisations were all consulted by email where possible, or letter where an email address was not available. They were directed to the JSP website [www.swhertsplan.co.uk](http://www.swhertsplan.co.uk) where they could view the document, or were advised that an electronic copy could be provided on request. These notifications were sent on 22 November 2021 with replies requested by 17 January 2022 – giving an 8 week period to respond, to reflect the fact the consultation period included the Christmas and New Year holidays.
- 2.12 A covering letter and copy of the SCI was also sent to all libraries within the SW Herts area for their reference sections, and to each district Council office to keep on their reception desks, should residents wish to see a hard copy.
- 2.13 To supplement the notification of statutory bodies, individual districts also consulted any relevant local consultees they considered appropriate. For Three Rivers this comprised local residents associations.

#### Consultation responses

- 2.14 Thirteen responses were received to the consultation. These were from:
- Affinity Water
  - Planning Property Team, Herts County Council
  - Sport England
  - Environment Agency

- Natural England
- Defence Infrastructure Organisation, Ministry of Defence
- Hertfordshire Gardens Trust
- Nash Mills Parish Council
- Harlow Borough Council
- National Highways
- Canal and River Trust
- Berkhamsted Residents Action Group (BRAG)
- Central Bedfordshire Council

#### Changes required as a result of consultation responses

- 2.15 The table in Appendix 2 of this report summarises the responses received and the proposed Officer response. All of the comments were either supportive of the document, or supportive subject to certain minor amendments being made. As summarised in Appendix 2 to this report, it is recommended that most of these suggested amendments are accepted, as they improve clarity.
- 2.16 Two responders, Sport England and the Defence Infrastructure Organisation, requested that they are added to the list of consultation bodies set out in Appendix 1 of the SCI. Officers have taken external legal advice on this matter which states that this list should only include those groups and organisations specified in the Town and County Planning (Local Plans (England) Regulations 2012 (as amended). It is important to note that non-inclusion on the list does not mean these groups are unable to engage with the process of preparing the JSP. Their contact details will be added to the wider JSP database and they will be notified when any consultation on the plan takes place. This will ensure that all interested parties, whether listed in Government regulations or not, have the opportunity to comment on the JSP's content. It is suggested that an explanatory sentence is added to the SCI to provide this reassurance.
- 2.17 Two respondents, the Hertfordshire Gardens Trust and Nash Mills Parish Council asked more general questions about the Joint Strategic Plan. Responses have been provided to these two organisations by email, as summarised in Appendix 2 of this report.

#### Other changes required to the draft document

- 2.18 In addition to the changes proposed to the draft SCI as a result of responses received, Officers have also carried out a check of the organisations listed in Appendix 1 of the SCI to ensure it is fully compliant with the regulations. Some updates have been made as a result of this check, including a reference added to Neighbourhood Forums. As a result of this change, it is recommended that a paragraph is added to the SCI to refer to Neighbourhood Planning documents and the fact that any of these documents prepared within the SW Herts area will need to be in conformity with the Joint Strategic Plan, once adopted.

- 2.19 The names of some organisations listed within the document have also been amended to ensure they are up to date. Some other minor amendments to ensure diagrams are correctly referenced and for textual clarity have also been made, together with some minor changes to reflect the fact that this is no longer a draft document for consultation.

#### Next Steps

- 2.20 Once adopted by all five districts that make up the SW Herts area, the SCI will be kept under review to ensure it continues to reflect legal requirements and best practice.

### **3 Options and Reasons for Recommendations**

- 3.1 It is essential that there is an up-to-date adopted SCI, or SCIs, to provide guidance on consultation processes relating to all planning policy documents due to be prepared by the council (either or its own, or on a joint basis), which reflects current legislation and national and local policy. This SCI ensures that there is an agreed and consistent approach to carrying out all consultations relating to the SW Herts Joint Strategic Plan (JSP).

- 3.2 Not agreeing the draft SCI for the SW Herts JSP would mean that this document would not be in place in time for the first consultation on this new joint plan, which is scheduled for July / August 2022. It is a legal requirement to have an adopted SCI in place before consultation commences on any statutory plan. Relying on existing broad references to JSP engagement processes within current district-level SCIs could result in confusion and a lack of consistency across the SW Herts area regarding how engagement on the joint plan is carried out. To fail to have an agreed SCI in place, or to have an inconsistent approach to consultation arrangements could potentially result in a successful future legal challenge to the JSP.

### **4 Policy/Budget Reference and Implications**

- 4.1 None specifically arising from the preparation and adoption of the SCI, with associated work having been, or being met, through existing budgets.

### **5 Financial Implications**

- 5.1 There may be efficiency gains and value for money through reduced use of paper as a result of an increased emphasis upon electronic means of consultation.
- 5.2 Longer term there will be cost savings associated with having a JSP and taking a co-ordinated approach to consulting on this document over the whole SW Herts area.

### **6 Legal Implications**

- 6.1 Planning and Compulsory Purchase Act 2004 (as amended), Localism Act 2011, The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020.

### **7 Equal Opportunities Implications**

- 7.1 None for the purpose of this report. The SCI seeks to ensure that consultation arrangements enable all sectors of the community to engage with planning processes.

## 7.2 Relevance Test

Has a relevance test been completed for Equality Impact?	No There is no proposed change to current policy/service
Did the relevance test conclude a full impact assessment was required?	N/A

## 7.3 Impact Assessment

No Impact Assessment required as result of relevance test.

What actions were identified to address any detrimental impact or unmet need?

In preparing the SCI, consultation has been undertaken to help develop an approach that reflects the needs and aspirations of the community, and stakeholders and any impact associated with equality and sustainability.

## 8 Staffing, Environmental, Community Safety, Public Health and Customer Service Centre Implications

8.1 None for the purposes of this report.

## 9 Communications and Website Implications

9.1 The approved document will be uploaded in SW Herts Joint Strategic Plan website [www.SWHertsplan.com](http://www.SWHertsplan.com), which will be clearly signposted by the Three Rivers website.

## 10 Risk and Health & Safety Implications

10.1 None for the purposes of this report.

10.2 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.3 The subject of this report is covered by the Development Management service plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
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Not having an up to date SCI in place in advance of consulting on the JSP at Regulation 18 stage	This would risk a legal challenge to the document on the basis that necessary statutory procedures have not been followed.	Issuing an up to date SCI prior to the JSP Regulation 18 consultation List	Treat	4
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10.4 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

<b>Very Likely</b> ----- <b>Likelihood</b> ----- <b>Remote</b>	<b>Low</b>	<b>High</b>	<b>Very High</b>	<b>Very High</b>
	4	8	12	16
	<b>Low</b>	<b>Medium</b>	<b>High</b>	<b>Very High</b>
	3	6	9	12
<b>Low</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>	
2	4	6	8	
<b>Low</b>	<b>Low</b>	<b>Low</b>	<b>Low</b>	
1	2	3	4	
	<b>Impact</b>			
	Low	----->		Unacceptable

**Impact Score**

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

**Likelihood Score**

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

10.5 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

## 11 Recommendation

### 11.1 That:

(a) the Policy and Resources Committee recommends to Full Council to agree the responses to the draft Statement of Community Involvement as set out in Appendix 2.

(b) the Policy and Resources Committee recommends to Full Council to approve the Statement of Community Involvement (SCI) 2022 for the SW Herts Joint Strategic Plan (in Appendix 3) for adoption, with any further minor amendments to the document to be agreed by the Director of Community and Environmental Services in consultation with the Lead Member for Infrastructure and Planning Policy.

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#### **Data Quality**

Data sources: N/A

Data checked by: N/A

Data rating: N/A

#### **Background Papers**

- SW Herts JSP: Statement of Common Ground (November 2021)
- Realising our Potential – A vision for SW Herts, Prior and Partners (March 2022).
- SW Herts ‘Your Future’ – Initial Engagement results, Icenis Projects (July 2020)
- Statement of Community Involvement (June 2022)
- Consultation and Engagement Strategy (May 2022)

All documents are available on <https://www.swhertsplan.com/>

#### **APPENDICES / ATTACHMENTS**

- 1) Groups Consulted on Draft Statement of Community Involvement
- 2) Summary of Responses
- 3) Statement of Community Involvement for SW Herts Joint Strategy