



EARLEY TOWN COUNCIL

Comments on Wokingham Borough Council's Draft Statement of Community Involvement

General

WBC states that *“the draft is similar in principle to our existing Statement of Community Involvement, but also proposes extending the consultation period for major planning applications from the 21-day statutory minimum to 28 days.”*

The current version, whilst slightly shorter at 19 pages includes appendices, makes very good use of graphics to convey information by way of figures, tables and highlighted boxes. The draft version contains only one table, has no diagrams or highlighted statements and by losing these graphics/visual aids, it makes the document very wordy. A particular good example of graphics in the current version, is Table 2 - “What the Developer is expected to do”, which is clearly indicated alongside, “What WBC will do”. In the draft version, the similar looking table omits the developer obligations. Therefore, ETC would like to see the continued use of graphics to aid understanding.

There also seems to be generally a ‘watering down’ of what will be done in terms of engagement, either by omitting things that are in the current version or statements being more generalised. There is also now a significant use of options under headings of “We may...”, which leaves way for a flexibility to do less than is currently done.

Earley Town Council's Planning Committee has received many complaints from residents that they did not know about planning applications until the consultation period had passed. There is a general presumption by the public that they will be proactively engaged with on planning applications which may affect them. However, the reality is the opposite, as a resident is expected to be both capable of and have access to digital technology and be proactively searching for local planning applications. In the past, the requirement of displaying site notices improved the situation and brought planning applications to the attention of residents.

Comments on quoted sections of the draft

Draft section: Introduction - Why is the Statement of Community Involvement relevant?

1.6 *We aim to make consultation and involvement in the planning process transparent, **accessible**, collaborative, inclusive and consistent. We will do this through the methods set out in this SCI.*

ETC comment: -

The accessible is aimed at those with access to digital technology and capable of using it.

1.7 *In the sections that follow, we set out what the law says we must do and a range of other options that we will most likely choose to do to enhance our engagement. **For these other options which go beyond the lawful requirements, we use the word ‘may’ do.** We may well do a lot, or all, of these optional ‘mays’ but there will be occasions when it will not be practicable or appropriate to do all of them.*

ETC comment: -

It seems that the options under the “We may” will rarely be used, probably on the grounds of cost and yet many of these “We may” options are in relation to reaching people who are not able to proactively use digital technology.

Draft Section: Principles of Community Involvement

2.5 *Our main principles of involving the various communities in the planning process are set out below:*

- *We will design engagement exercises to be accessible.*
- *We will encourage better inclusion of everyone affected by a planning matter, making the effort to include “disengaged” groups such as young people, ethnic minorities, disabled people, and the travelling community.*

ETC comment: -

The document fails to explain how these two statements will be addressed. In later sections of the draft document, most of the means of engagement that are not digital technology are all under the “We may” options. Past history suggests, almost all the “We may” options are not used.

It also makes references to a small number of specific groups like the young, etc, but does not recognise those who are not computer literate (regardless of age), or those with limited or no access to digital technology. This statement should consider its relevance to the eleven protected characteristics as defined in Equalities legislation (some of which may not be relevant).

2.9 *We recognise there are potential disadvantages with relying entirely on digital technology.*

ETC comment: -

As a general statement, it is good that the disadvantages of reliance on digital technology is recognised. However, throughout the document, most of the methods of engagement that are not entirely reliant on digital technology are all contained under the general heading of “We may”. It is appreciated that electronic means of communication are more efficient and cost effective than activities like actual letters, press advertisements, posters and paper copies of documents, especially in multiple accessible forms. Indeed, this section of the document recognises the problem of those who do not have access to digital technology, but generally the document fails to indicate how those disadvantaged by lack of access to digital technology for whatever reason, will be engaged with.

Draft Section: Planning of the Future of Wokingham

3.11 *The Council may prepare other development briefs and guidance which are not formal SPDs, and we may also carry out consultation on these documents. Like SPDs, non-statutory guidance cannot change policies contained within local plans but can give detail on how those policies are implemented. Such documents and policies are also a material consideration when assessing a planning application.*

3.12 *CILWe adopted the current CIL charging schedule in 2015. These rates continue to apply, adjusted for inflation.*

ETC comment: -

Is it relevant in the circumstances of 2023, to continue with just using inflation” to adjust CIL rates.” from the 2015 Base? Considering the issues noted below, ETC consider that CIL rates should be thoroughly overhauled.

- Demands on infrastructure and communities has increased immensely since 2015, in areas such as:
- Cost of living crisis
- Climate change – flooding, extreme winds and summer heat are impacting facilities and infrastructure.
- Increasing diagnosis of SEND requirements on children, especially as a result of COVID Lockdowns and the knock-on requirement for specialist schools.
- Car ownership and use – especially relevant to parking on public highways due to insufficient parking provision
- Move to electric vehicles and the need to charging infrastructure in public places.
- Increases in the aging population that need assisted living etc.
- Inflow of new residents attracted by employment opportunities and the general desirability of Wokingham as being a “nice” and “affluent” place to live, which is putting pressure on things like school places, GPs, dental care, hospital capacity, road capacity etc.

Draft Section: Engagement process for the Local Plan

4.3.1 *The process of preparing a local plan involves five broad stages:*

1. *Plan preparation.*
2. *Proposed Submission Plan publication and submission for examination.*
3. *Plan examination.*
4. *Publication of recommendations – Inspector’s report stage.*
5. *Plan adoption.*

ETC comment: -

This section does not seem to mention public consultation.

Draft Section: How we will involve people in the preparation of the Local Plan

4.4 *We are required by law to engage on the preparation of a local plan. This includes engaging with a range of specific consultees*

ETC comment: -

This list does not include residents, it only mentions “individuals” (who have asked to be notified).

4.6 *We will:*

- *Write to consultees to say we intend to produce a local plan and invite them to say what issues they think the plan should cover.*
- *Advertise our intention to produce a local plan, including a notification on our website, so that the public and organisations may register their interest.*

ETC comment: -

There is no mention in this section about other methods of notification – lots of options in the “may do” section.

We may:

- Prepare summaries of technical reports.
 - Create online surveys.
 - Produce further publicity such as posters, leaflets or postcards.
-

Draft section: Plan submission Plan publication and submission for examination.

4.10 We will:

- *Publish notification on our website of the Proposed Submission Plan (the version that we consider ready for examination) is being consulted on and invite comments for a minimum of six weeks (excluding bank holidays).*
- *Get in touch directly with consultees to let them know of the publication of the Proposed Submission Plan.*
- *Clearly set out how people and organisations can make valid representations (comments).*
- *Prepare a consultation statement which sets out how we have taken account of comments received during the plan preparation stage in preparing the Proposed Submission Plan.*
- *Make all statutory publication documents available, including the consultation statement **either** electronically and/or in paper form, for inspection at the council office.*
- *Issue a press release to inform people that the consultation is taking place.*
- *Use our e-newsletters and social media to inform people that the consultation is taking place.*

ETC comment: -

Should be both, not either.

The over reliance on digital technology means a large section of the local stakeholders may not even realise a consultation is going on. For statutory documents, both paper AND electronic versions should be readily available.

Draft section: Plan examination stage

4.14 We may:

- *Use press release and our e-newsletter to inform people.*
- *Use digital platforms to allow online viewing of hearing sessions.*

ETC comment: -

Throughout this section and subsequent sections, reference is made to many “We may” options. This makes clear these methods of engagement are entirely optional and in reality, will rarely be used, most likely on grounds of cost. This needs careful reconsideration and perhaps a protocol published as to when “We may” options are to be used. It does seem that for something as important as the formal examination of the draft plan, WBC should use press releases and other non-digital means of communication.

Draft section: Engagement process for Supplementary planning Documents

5.2 *There are three types of SPD that **might be prepared**:*

- 1. Site or area specific guidance (e.g., development briefs).*
- 2. Design guidance.*
- 3. Topic based policy guidance (e.g., affordable housing).*

ETC comment: -

The “might be prepared” – and unclear what status the Design Guidance has, as it is often ignored by Planning Officers or dismissed by statements that it “broadly complies” or similar.

Draft section: Consultation on the draft of the SPD

5.7 *We will:*

- Publish the draft SPD for consultation on our website for a minimum of **four weeks** (excluding bank holidays), together with the required supporting documentation and make paper copies available to view at the council offices.*
- Issue a press release and e-newsletter telling people about the consultation.*

ETC comment: -

These documents are often deeply technical, so should be at least 6 weeks.

Draft section: Engagement process for neighbourhood development plans

ETC comment: -

This section is very similar to the details on the Local Plan and therefore the same comments apply in terms of using methods other than just digital where many of the “We may” items should be “We will”. For example, “Produce a paper copy”.

Draft section: Engagement process for planning applications

Before the application is submitted

- 7.12 *A person proposing to make an application for development is required by law to bring it to the attention of those who live or occupy premises in the vicinity of the site. In addition, we encourage positive engagement with local people to help prepare and refine their proposal. For household extensions this may simply mean speaking to neighbours. For larger proposals, engagement should involve the wider area.*
- 7.13 *We encourage anyone proposing development to actively engage the community when preparing their proposals as set out in Table 1 below. The suggested methods vary depending on the scale and type of proposal, with larger proposals expected to use methods that would engage with more people.*

ETC comment:

There are two typos (as highlighted in red)

Also, the table accompanying this paragraph is a simplified form of that in the existing version and crucially, the previous version had columns for “What the Developer SHOULD do”. For householder applications this included displaying a site notice and said SHOULD, not SHALL. Whilst there is no legal requirement to display site notices for householder applications in the relevant Act, ETC believe WBC should do a great deal more to **strongly** encourage the display of site notices for all applications.

7.16 *We may:*

- *Liaise with town and parish councils, where relevant.*

ETC comment:

A suggestion would be to make clear that town and parish councils are a consultee in statute.

7.19 *We will:*

- *Make planning applications and the supporting documentation available to view on our website.*
- *Consult upon applications as set out in law (excluding bank holidays), or in the case of major applications extend this to a 28-day period (excluding bank holidays).*
- *Notify town or parish councils of relevant planning applications in their area, inviting comments.*
- *Where required by law, we will either:*

*display a planning notice on or near the application site; or **post letters to neighbours adjoining the application site.***

Where a site notice is not required by law, we will send a notice to the applicant and ask them to place this on display voluntarily.

ETC comment: -

The law requires notification to neighbours that adjoin the site and are opposite, the following is from an appendix in the current version of the document, which is a good example of how the draft has watered down what the Planning Department will do.

- All adjoining neighbours (i.e., all neighbours whose property boundary touches the application site, even if beyond the Borough boundary) and
- All those directly opposite the boundary marked by a red outline on the application plans (i.e., where the neighbour’s property boundary would touch but for a road, footpath or other similar feature between the two sites, even if beyond the Borough boundary). A consultation must be sent even if the development would not be visible from the highway.

Also, there should be an inclusion about notifying a town/parish council, where they are not the statutory consultee, as the application is ‘over the border’, as these applications can have a significant impact on the neighbouring town/parishes.

7.25 *Some applications will be determined by the Planning Committee, rather than officers. The Planning Committee is made up of elected councillors. For these applications, the case officer provides their report for the Planning Committee who decide whether the application is permitted or refused.*

ETC comment: -

This section needs expansion to make clear how the Committee must consider Officers' recommendation and in the event that the Committee considers refusal against an Officer's recommendation, that the financial implications of an appeal arising from going against an Officer's recommendation is **NOT** a consideration that the Committee must account for.

Draft section: Dealing with unauthorised development.

ETC comment: -

This section details very briefly how planning law infringements are dealt with. It would be useful to include an explanation of the "presumption in favour of sustainable development" that Officers work under and in particular, the process of allowing (as per Central Government guidance) a retrospective application, also the process by which the consideration of building works with no application is dealt with -i.e. the concept that if permission had been sought that it would probably have been approved, therefore it is not expedient to pursue.

Conclusion comments from ETC

Whilst this draft is larger than the current version, it seems to have less detailed content about what will actually be done. The current version makes excellent use of diagrams, figures and highlighted statements about exactly what will be done. ETC asks that all the diagrams, figures and tables from the current version to be included (updated as necessary) to the draft version.

When explaining to residents the form and methods of engagement, it should be apparent that many will not understand some of the underlying matters. The assumed "presumption in favour of sustainable development", as laid down by Central Government, that officers work under, is a particular case in point. Many residents do not understand that it is not against the law to build without permission and that it is not a criminal offence. Residents do not easily understand the different types of permission, in particular the role of Outline Application and how difficult it is to refuse such an application and the role of Officers and the Planning Committee in dealing with Reserved Matters. ETC recommends that WBC considers the use of FAQs or Appendices to explain some of the basic concepts of Planning.

It is ETC's opinion that this draft version is less precise on how engagement is to be undertaken and it leaves much flexibility for doing little other than rely solely on digital technology. There are many sectors of our diverse community that have neither the skills, expertise, experience, or time to be continuously scanning websites in case there is an application that may affect them.

The very term 'engagement' infers a proactive approach, but reliance on digital technology and how it is currently set up tends towards a passive "the information is there if your care to look for it" approach. ETC believe there must be a more proactive approach to getting Community Engagement than described in this draft.

This concludes the comments of Earley Town Council

Dated: 6th October 2023