

Statements of community involvement: setting the bar or barring engagement?

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statements of community involvement – setting the bar, or barring engagement?

Gavin Parker, Mark Dobson and Tessa Lynn look at issues presented by the current production, scope and use of Statements of Community Involvement, and consider the role that they could play with improved and clearer agreed principles and measures

Statements of Community Involvement (SCIs) have been part of the English planning system for more than 15 years, yet to date little has been written about them. A recent prompt for considering SCIs here is the ongoing planning reform agenda for England, notably proposals for greater public involvement in planning and the ‘frontloading’ of participation emphasised in the August 2020 Planning White Paper *Planning for the Future*. That document references a desire to ‘democratise the planning process by putting a new emphasis on engagement at the plan-making stage’ and to ‘create great communities through world-class civic engagement and proactive plan-making’.¹

This article presents a critical account of SCIs, highlighting some of the existing issues in the production, scope and use of the statements by local planning authorities and community groups thus far. It also highlights the potential of SCIs under a reformed system and where a number of changes to both the tool and wider system could be realised to positive effect. We contend that a renewed focus on SCIs is important in this context. First, because the tool has not achieved its potential as originally intended, and we see that a number of immediate improvements can be made to existing documents and practices. Secondly, because of the role that they *could* play in giving shape to and informing all parties about how local planning authorities will

involve the local community – including in the early stages of plan-making. To achieve this aim, SCIs would need to feature clearer agreed principles and measures.

SCIs were a product of a prior wave of planning reforms and have undergone some iteration since their introduction through the Planning and Compulsory Purchase Act 2004. The idea is that the local planning authority expresses, through the SCI, how it will engage with the public in the development of its Local Plan and in decision-making. The SCI forms part of the statutory array of documents constituting the development plan, and is intended to ensure that participation is transparent and accountable. SCIs were bolstered by the ‘duty to involve’, introduced in 2007² – a duty repealed in 2011, with one resultant outcome being that the Planning Inspectorate was no longer required to examine draft SCIs. More recently, SCI regulations were modified through the Neighbourhood Planning Act 2017, to ensure that the support offered for neighbourhood planning is also set out in the SCI. Since 2017³ each local planning authority is expected to review its SCI every five years – a requirement that is set out in the Planning Policy Guidance:

‘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



'A wider culture shift, recognising communities as a useful local resource, appears necessary'

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.'*⁴

Interest in SCIs has been rekindled recently, with Civic Voice undertaking a review in 2019 and highlighting that there were a significant number of out-of-date documents in circulation (for around 30% of local planning authorities). Following on from this, the Civic Voice manifesto published in 2020 argued that there is a need to:

*'Strengthen Statements of Community Involvement (SCIs) so that they set out how the local authority and developers will be expected to meaningfully engage with local communities on planning.'*⁵

Such pressure is unsurprising given a broader context of mistrust in public institutions, not least the often poor or weak relationship existing between local authorities and their communities (as highlighted in several reports over the past few years⁶) and renewed interest in improving and deepening community engagement (and exploring more innovative forms of deliberative democracy).

Given the context, we assess the role of SCIs with a view to suggesting how these documents, or alternative arrangements, may be more effective. It is notable, however, that Section 13 of the Neighbourhood Planning Act 2017 (inserting into the Planning and Compulsory Purchase Act 2004)

states rather elliptically that 'The Secretary of State may by regulations prescribe matters to be addressed by a statement of community involvement...', which provides scope for the design or ambit of SCIs to be amended – something for which we argue here.

The potential of SCIs

It is timely to look at how an SCI element of any new planning arrangements will improve on current approaches to public participation in England – particularly given that existing policy prompts are not explicit about *how* local planning authorities should involve communities in making Local Plans, beyond iterating the minimum legal requirements to consult at key stages.

The process of identifying and reading existing SCIs in England reveals the scope, content and user-friendliness of these documents. Our work provides some baseline statistics, for example, in terms of length and age of the SCIs, why they have come into being in their current form, and how communities perceive them. This is underpinned by a desk-based study of SCIs ($n = 164$, or around 50% of English local planning authorities), supplemented with empirical data derived from interviews with selected case study local planning authorities and community groups.⁷

We checked whether SCIs were readily available to view online, based on the assumption that *ease of access* by communities should be a given for this type of document. Almost all are available online through the local planning authority website, with only a small number less easily found (i.e. requiring numerous 'clicks' to locate them). However, 'SCI' is not necessarily a known planning term for many members of the public. Prominence of SCIs should be improved. Furthermore, in a significant number of instances an online search identified multiple (previous) versions of SCIs – which could lead to

Box 1

Examples of engagement principles deployed in existing SCI documents

Examples where principles are set out in relatively greater detail

A Bristol

Bristol City Council has set out ten 'ground rules':

- Inclusive invitation
- Authorisation
- Continuity
- Independent advice
- Early involvement
- Presenting options
- Choosing between options
- Consensus
- Transparent records
- Feedback on the outcome of community involvement

Further detail and explanation of each of these 'rules' is given on pages 2 and 3 of the SCI – see *Involvement in Planning Applications and the Local Plan. Statement of Community Involvement*. Bristol City Council, Nov. 2015.

www.bristol.gov.uk/documents/20182/34540/Statement+of+community+involvement

Established via a post-hearing submission after the SCI was *initially* found unsound at examination.

B Oxford

In addition to general principles for engagement, Oxford City Council has identified four key principles for effective engagement in planning processes:

- **'Timely and sustained:** Events and activities should start before any planning decisions are made, and engagement should last throughout the planning process and beyond.'
- **'Inclusive for all local people:** Those living and working in an area have a right to be involved, all parties are welcome, and the process must take account of peoples' varied needs.'
- **'Two-way, open and responsive:** Communication should be discursive, not prescriptive, so that information can be debated and ideas exchanged.'
- **'A matter of public record:** The processes must be documented and published.'

Established by an independent review of the planning processes of a controversial application.

Examples where principles are relatively less well defined

C Selby

The SCI is regarded as a component of the council's overall strategy and has been updated to reflect priorities identified in the council's Corporate Plan 2020-2030. The Local Plan sets out the council's approach:

- 'We will work collaboratively with others – recognising we are not experts in everything, we will use the best expertise, resources and skills across our partners and communities.'
- 'We continue to be close to our communities – involving more people in decisions about their area and their services.'
- 'We will put the customer at the heart of service delivery – supporting residents to be more self-sufficient and maximising use of digital technology in service delivery.'
- 'We will support the wellbeing of our residents – considering how our decisions impact on healthy life choices and the environment.'

The principles of collaboration, community-focused, customer-centred and wellbeing are claimed to be formally considered and tested.

D High Peak

Described as 'objectives' of the SCI, no clear principles of community involvement were used apart from:

- 'To inform members of the public and all other interested parties in a clear fashion how they will be notified about our planning policy consultations and how they can give their views on planning applications.'
- 'To ensure the process of making comments is as straightforward as possible, both electronically and on paper.'
- 'To plan consultation carefully to ensure that the opportunity is given for all interested parties to participate in the process, while at the same time making the most effective use of council resources.'

confusion over the local planning authority's current approach to engagement for communities.

In terms of whether SCI documents were 'up to date', there was a very mixed picture. Most authorities had iterated their SCI at least once⁸ since their introduction in 2004 – although a small group of SCIs dated 2005-2007 were still in use. Furthermore, 25% of the SCIs in our sample⁹ were more than five years old (broadly in line with Civic Voice findings in 2019). Substantively, however, there are still many that have not been updated within five years or to reflect the Neighbourhood Planning Act 2017 legal requirements.¹⁰ In some cases the text accompanying the SCI appeared to indicate that the SCI had been updated when the local planning authority was about to embark on a new Local Plan process – which is an option set out in national guidance.

Looking at SCI *length and content*, and the type of coverage involved, many had emphasised the link to Local Plan preparation, and others set out the means that were legally available to citizens to input across Local Plans, Neighbourhood Plans, pre-application agreements, and the development management decision-making element of the planning system. This meant that page counts varied considerably. The majority of SCIs are quite lengthy documents of around 25 pages (the South East England region average length was 25 pages – excluding appendices). They are process focused, and the longest SCI reviewed stretched to 57 pages in Enfield Borough, with Bedford Borough's covering 56 pages (both excluding appendices), while very brief documents were found for Dorset Council (six pages), Tonbridge and Malling Borough (seven pages), and Liverpool City and Hart District (both with nine-page documents). Length and content are also key factors in accessibility and use by lay-people.

In themselves, the above benchmark findings are perhaps less important than the actual use and effectiveness of the documents – although if an SCI is relatively hidden from view, outdated, overly procedural and long, it is unlikely to be a user-friendly or useful tool for local planning authorities or communities. A range of practice was found regarding principles for engagement, with some that might be regarded quite positively as they try to be quite specific, although others much less so.

However, they *all fall short* of SMART (specific, measurable, achievable, realistic, and timely) principles – meaning that it is difficult to determine the degree to which such aspirations of usefulness and effectiveness are carried through, or whether they can be used to track, monitor or review progress. This should be of concern because, although many SCIs are well intentioned, the scope or detail of their principles (loosely termed) varied considerably, from generic statements to specific issues to consider in public involvement. Box 1 on the

preceding page provides some examples of where more (Bristol, Oxford) or less (High Peak, Selby) detailed 'principles' are being espoused in existing SCIs.

Although it is well recognised that developing and agreeing measurable principles and actions may prove challenging, this is a crucial aspect for further deliberation with local planning authorities. The idea of co-creating SCIs with communities and other key actors strikes us as one notion that is worth further consideration, given the renewed policy focus on 'world-class' engagement. The potential benefits of such an approach were acknowledged by one of the local planning authority case study interviewees:

'Trust and openness and transparency in the planning system is fundamental. If you don't get that right people aren't going to engage... One thing we could do is to encourage wider participation in the production in the SCI – and hope people come forward in terms of how they would like to be engaged.'

The design and operation of SCIs

While most SCIs explicitly recognise the diversity within their communities, it is less clear how local planning authorities actually engage, with only a subset listing a range of different mechanisms for public involvement (examples include Islington, Slough, Reigate and Banstead, and Bolton).

Quite a few SCIs explicitly mention the costs and resources involved and a need for them to be proportionate or 'realistic' in the approach they adopt. This almost apologetic sentiment appears to influence the undertakings made by local planning authorities in their SCIs (under an avoiding 'creating a rod for your own back' type of argument) – and may also stem from a legal concern over reasonableness, in the sense that SCIs are typically framed by the legal principle of 'legitimate expectation'. This is undoubtedly difficult for communities to assess, making it difficult to ensure that decision-makers act fairly (reasonably) in a procedural sense. This means that there may be a perverse incentive for local planning authorities to be vague or imprecise when outlining their approach.

The local planning authority respondents in our research referred to the need to meet statutory requirements, but benchmarking against other SCIs was also cited, with some highlighting the lack of best practice guidance. It was found that usually a member of the planning policy team led on the production of the SCI, but no-one reported having any previous training or understanding of the theory of community involvement. In terms of reiteration, some referred to the need to update SCIs to reflect national policy change (for example changes to the National Planning Policy Framework) or more locally specific updates (such as digitalisation of consultation techniques, early engagement, and consultation periods for Supplementary Planning Documents) –

Box 2

Simple SCI improvement actions

Four very straightforward and quick wins would help to improve SCIs in the interim:

- Clean up the SCI versions available online to ensure that only the most up-to-date applicable version of the SCI is open to view by the community on the local planning authority website (a version control and web maintenance issue).
- Keep the SCI document(s) clearly located and labelled on the website (accessibility) and ensure that they are widely promoted (visibility).
- Ensure that the substance of the SCI is clear and upfront, and relegate basic statutory responsibilities to clearly cross-referenced annexes (readability for a diverse audience).
- Prepare SCIs well in advance of Local Plan preparation (to raise awareness of opportunities and system design) – i.e. disconnect the SCI from any particular aspect or stage of planning so that it can be developed and reviewed well in advance of a Local Plan cycle starting.

as well as making the SCI more user-friendly and fit for purpose.

However, the form and extent of SCI monitoring activity was very limited, with the consultation statements submitted with policy documents mainly relating to where monitoring takes place. Although the need for SCIs to be refreshed every five years was considered useful (according to one local planning authority, 'the previous one sat on the shelf for a long time; now we refresh it and rethink things'), another local planning authority argued that a wider 'engagement strategy' featuring ways to 'talk to people about how they would like to be engaged' would be more appropriate.

Conversely, local planning authority concerns about over-promising in their SCIs was apparent: *'I think our document has been written in a way that's reasonably flexible, that doesn't overly commit us or unreasonably commit us to certain things. I think we've been careful not to fall into that trap of maybe raising an expectation that we couldn't possibly meet.'*

This was echoed by another local planning authority: *'... don't promise things you cannot deliver ... It is important that you can say things in the document, but you need to be sure that you have the resources to deliver.'* This was seen as a justification for not going beyond statutory requirements, as 'experience elsewhere suggested that incorporating local innovations could significantly impact on the speed and cost of plan-making – the view was that this was to be avoided'.

There was a mixed response in terms of the impact that the SCI has had on the extent and quality of engagement. A community respondent highlighted that:

'planning tends to be a little less well communicated, and, when it is, the opinions aren't necessarily acknowledged from the planning department; which is also the experience of the Civic Society members ... [we are now] absolutely convinced that we need to get our act together and start

using [the SCI] and the Neighbourhood Plan and other tools that are at our disposal to make our voices heard and try to influence.'

Another highlighted how important the SCI can be in triggering developers to submit a Community Involvement Statement with their proposal, so that when 'developers come to [that place], they know they have to engage with us from an early stage'.

Reflections

The research highlighted a range of current issues, with local planning authorities cautious about making promises that they cannot keep. This has sustained SCI 'conservatism' and 'standardisation', shaped by conditions of resource limitations as well as longer-run aspects of planning culture. Yet we see an opportunity to review and refine the approach taken towards SCIs and the basis for engagement between local planning authorities and partners.

On reviewing and discussing the design and use of SCIs, we were struck by how many read as though they were written to fulfil an obligation to central government rather than to enable meaningful dialogue with communities (i.e. a statutory rather than user rationality) – bringing into view questions over the audience, style and tractability of the SCI. Only a small number of SCIs explicitly talk of 'monitoring' and ongoing improvement to the engagement approach of the local planning authority.

Thus a wider **culture shift**, recognising communities as a useful local resource, appears necessary. Many local planning authorities do not consult on the SCI to ask communities how they would like to be engaged in the process and what methods work, and instead replicate the 'comment on the draft' approach that has pervaded the wider Local Plan system. This means that there are very few if any SCIs through which communities can really hold the local planning authority to account – the nature of these documents is such that numerous qualifications or other caveats appear, and few

guarantees to the public are offered. We consider it important that there are **clear principles and responsibilities set out in SCIs**. How this is done requires careful consideration, with the situation of all parties taken into account. However, there are some other, light-touch, immediate changes that could be effected – as set out in Box 2 on the preceding page.

To ensure that SCIs play a positive role locally, and to assist with government aims expressed in ongoing reforms, **more effective monitoring and review of involvement** seems appropriate, given that only a few SCIs indicated this as an explicit aim. The local planning authority's Annual Monitoring Report (AMR) could provide a high-level place for ongoing monitoring, reflection and accountability to be set out, closing the feedback loop with communities. We suspect that good practice currently occurs when individuals see the bigger picture and act, rather than because wider corporate culture makes such linkages possible.

We see real value in having an upfront document such as an SCI so that there is a **participation framework** set up at the start of the planning process from which everything else then follows – and so outcomes can be judged against the principles agreed at the outset (i.e. to bookend the process). This emphasises the need for a set of SMART principles that can be actioned and measured by the local authority and community, rather than the current use of more loose (albeit well intentioned) statements and aspirations that are hard to pin down. Building on this would be institutional acceptance of the SCI as a **'council-wide' document** (i.e. not just a function of the planning department) – this may require considerable culture change but is a sensible goal. There will be many 'consultations' going on at any one time within a local authority (for example on highways improvements, parks and landscape changes, etc.), so it makes sense for them all to be governed by the same principles and expectations.

The government is unlikely to continue to support SCIs where they have little practical take-up locally, merely adding 'noise' to a system that it wants to simplify and make more accessible and transparent. We consider a 'model SCI' to be **locally specific** to an area: it should not just repeat the generic national statutory (minimum) requirements. In this light, there may be merit in developing a **two-part SCI**, keeping a principle-based document ('part 1' of the SCI) in place alongside a follow-on ('part 2') operationally based document that sets out the approach for that cycle of plan-making. This model would allow the agreed principles to remain intact and clear (ideally through co-production with communities), while the process and 'offer' that the local planning authority then undertakes can be reviewed and more positively co-designed with key actors. This could act to generate ownership and increase interest in the planning process overall.

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Notes

- 1 *Planning for the Future*. White Paper. Ministry of Housing, Communities and Local Government, Aug. 2020, para. 1.16.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/958421/Planning_for_the_Future_web_accessible_version.pdf
- 2 The 'duty to involve' (introduced under the Local Government and Involvement in Public Health Act 2007) was a broad requirement on local authorities 'to take those steps they consider appropriate to involve representatives of local persons in the exercise of any of their functions, where they consider that it is appropriate to do so', set out as part of the then Labour government's pursuit of continuous improvement in local authorities
- 3 Specified in the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017. www.legislation.gov.uk/uksi/2017/1244/made
- 4 'Plan-making'. *Planning Policy Guidance*. Para. 071, Ref. ID: 61-071-20190315, Revision date 15 Mar. 2019. Ministry of Housing, Communities and Local Government. www.gov.uk/guidance/plan-making
- 5 *Civic Voice Manifesto 2020-2023*. Civic Voice, 2019. www.civicvoice.org.uk/uploads/files/Manifesto_FINAL_Screen_version.pdf
- 6 *Planning 2020*. Final Report of the Raynsford Review of Planning in England. TCPA, Nov. 2018. www.tcpa.org.uk/Handlers/Download.ashx?IDMF=30864427-d8dc-4b0b-88ed-c6e0f08c0edd; *Rebuilding Trust: Research Findings and Summary*. Grosvenor, Jul. 2019. www.grosvenor.com/Grosvenor/files/a2/a222517e-e270-4a5c-ab9f-7a7b4d99b1f3.pdf; and *Engaging for the Future*. Commonplace, Jan. 2021. www.commonplace.is/ebook-engaging-for-the-future
- 7 See G Parker, M Dobson and T Lynn: 'Paper Tigers': *A Critical Review of Statements of Community Involvement in England*. Final Report. Civic Voice, Oct. 2021. www.civicvoice.org.uk/news/paper-tigers-a-critical-review-of-statements-of-community-involvement-in-england/
- 8 See 'Plan-making'. *Planning Policy Guidance*. Para. 077, Ref. ID: 61-077-201200513, Revision date 13 May 2020, and Para. 78, Ref. ID: 61-078-201200513, Revision date 13 May 2020. 2019. Ministry of Housing, Communities and Local Government. www.gov.uk/guidance/plan-making
Many local planning authorities have made minor amendments in the light of COVID-19 limitations on face-to-face participation and to reflect temporary legal changes in place during 2020-2021
- 9 This included coverage across all English regions and total coverage of South East England ($n = 164$, or 50% of English local planning authorities)
- 10 The Act required local planning authorities to set out their approach to discharging the duty to give advice or assistance to Neighbourhood Plan qualifying bodies in order to facilitate a Neighbourhood Development Plan, and, importantly here, to set out in their SCI their policies for involving interested parties in the preliminary stages of plan-making