



**Haringey Council**

<b>Report for:</b>	Environment and Housing Scrutiny Panel November 19 <sup>th</sup> 2013	<b>Item Number:</b>	
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<b>Title:</b>	Community Engagement with Planning Planning Service Response to the initial questions set by the Scoping Report
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<b>Report Authorised by:</b>	Ransford Stewart, Interim Assistant Director
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<b>Authors</b>	Emma Williamson, Development Management Clodagh McGuirk, Planning Policy
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<b>Ward(s) affected: All</b>	<b>Report for Key/Non Key Decisions:</b>
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## 1. Describe the issue under consideration

- 1.1 As part of its work programme for 2013/14, the Environment and Housing Scrutiny Panel agreed to assess how planning services involved local residents and engaged local communities. This report provides an introduction to the community engagement in plan-making and the development management process to be discussed by the Panel. It is set out in the format of responses to questions as set out in the section 7.2 of the Scoping Report.

## 2. Cabinet Member Introduction

- 2.1 This is not applicable at this stage. The relevant Cabinet Member will introduce a response to any report or recommendations that result from this work at the appropriate juncture.

## 3. Recommendations

- 3.1 That the Environment and Housing Scrutiny Panel note the contents of this report and its attachments.

## 4. Other options considered

4.1 This topic was selected by the panel after consultation with local stakeholders (local residents, community groups, members and officers).

## **5. Background information**

5.1 This report provides background information to the key questions set out in the Scoping Report Section 7.2 Local Policy and Practice: “To assess how effectively planning service engages and supports meaningful community involvement in planning developments and decision making?”

### **To describe the nature and scope of community consultation**

5.2 The Planning Service is committed to involving and consulting with local people in all planning processes and decisions. Local views on development and change in the borough will help to shape the future of the borough. Planning recognises the fundamental importance of undertaking effective community involvement and consultation to ensure that decisions are based on ‘sound’ reasoning, and these are transparent and accountable to the community.

5.3 The Planning Service carries out two main types of community consultation; one for planning applications and the other for planning policy documents.

5.4 Consultation on planning applications and planning policy documents is subject to statutory requirements as set out in government legislation. In addition, the principles and methods of consultations are set out in the Statement of Community Involvement (SCI) in line with statutory requirements.

5.5 The SCI sets out the Council’s approach to engaging with and consulting the community in planning and development issues. It aims to ensure transparency in planning-decision making processes; and increase community and other stakeholder participation in planning. It should be noted that the SCI sets out how and when the Council will consult with local communities in relation to planning applications and strategic plans as basic standards.

5.6 Wherever possible and relevant we aim to exceed the minimum requirements depending on the type of consultation, the targeted consultees, and resources available.

5.7 The nature of public consultation in relation to planning policy documents means that methods of engagement and levels of interest and response rates vary. For example, our experience indicates that a site specific proposal is likely to receive more public interest than a document which seeks responses for a borough-wide proposal.

## To describe the community engagement and consultation standards and how these are measured, monitored and published

- 5.8 As stated above planning consultation is subject to statutory consultation requirements.
- 5.9 In line with statutory requirements there are different methods and requirements for consultation depending on the status of the document, e.g. whether it is a Development Plan Document (DPD) or a Supplementary Planning Document (SPD). In addition, there are a number of stages of preparation for the policy documents which require different types and levels of consultation.
- 5.10 A DPD brings forward statutory local policy which requires at least two stages of community consultation and an independent examination. An SPD provides further guidance for policies in DPDs and as such requires only one stage of community consultation and is not subject to an examination.
- 5.11 The initial stages of consultation of DPDs allows for early engagement in the proposed approach and scope of the document. The aim is to engage with as wide an audience as possible and ensure an understanding of the process and purpose of the document from the outset.

### **Notification**

- 5.12 Notification setting out when and how the Council is going to consult on a particular document is published through the local press; the Council's website; emails and letters to statutory consultees, all organisations, voluntary and community groups, and individuals on the Planning Policy consultation database; the Council's consultation calendar; Haringey People (when suitable); and information leaflets and posters (when appropriate). Printed documents are made available in public libraries and the planning service office.

### **Beyond Notification**

- 5.13 Beyond the basic requirements, the Council also employs a variety of public engagement methods during plan-making process as explained in Section 5.24 and 5.28. Consultation programmes for each document are prepared as part of the Planning Policy team's project plans and are discussed with the Planning Policy Members Advisory Group meetings where possible. This ensures consensus in the approach to the consultation and allows for ideas to be shared in how to improve engagement. We also discuss with the Council's corporate consultation officer appropriate procedures and methods.

## **Consultation Outcomes**

- 5.14 The SCI's effectiveness for plan-making process is assessed through examination of the Local Plans. At this stage the appointed Planning Inspector will assess if the Council carried out their consultation requirements in line with Government regulations and the SCI.
- 5.15 The outcomes of consultation on local plans are published and monitored through our consultation reports. A consultation statement is prepared alongside a DPD and in the final stages of the DPD preparation is submitted to the Secretary of State for examination.
- 5.16 The consultation statement sets out how the requirements in the regulations and in the Council's own SCI were met during the preparation of the policy document. The report highlights the methods of engagement and consultation undertaken by the team. This includes details on who was engaged at each stage, how the consultation was advertised, methods of responding to the consultation, and meetings and events attended. The report also shows the outcomes of the consultation – types of responses received, number of consultees who were notified and number of those who responded. A summary of responses received along with the Council's response to each comment is published on the webpage following consultation. This provides feedback on how the Council took account of consultation responses and how it will impact on the next version of the document. The extracts from the consultation statement that accompanied the Council's Local Plan Strategic Policies that was submitted to the Secretary of State in July 2011 (first Examination in Public) and then in December 2011 (second Examination in Public) is attached.
- 5.17 A summary consultation report is produced for SPDs outlining representations received and the Council's response. These reports are then presented to Cabinet to consider the representations and the impact on the document before deciding on adoption.

### Development Management

- 5.18 The consultation standards are set out in the SCI and are amplified in the Planning Neighbour Consultation leaflet which is attached at Appendix C. A summary of consultation is now produced for each planning application and it appears on the website with the application documents. A sample of these give examples of the levels of consultation: for the recent Hornsey Depot application for Sainsbury's and 438 residential units, 3,931 residents were consulted; for Mowlem Trading Estate – the replacement of warehouses, 102 residents were consulted; for Somerset Gardens Health Centre an application for change of use of part of Doctors surgery to include a pharmacy, 92 letters were sent and for a recent householder application - 64 Elmer Road 5 letters were sent.

**To assess the adequacy of consultation lists, that they are up to date and reflect the demography of the local community.**

**Planning Policy Documents**

- 5.19 The Planning Policy consultation database consists of 1,455 contacts (2012 update) including;
- statutory consultees, i.e. Mayor of London, neighbouring boroughs, and environment, heritage, transport, health and utilities bodies;
  - voluntary organisations;
  - community groups who represent different racial, ethnic or national bodies, religious groups, and disabled people;
  - Business representative groups and individual businesses;
  - Registered Providers
  - Planning agents and consultants;
  - Residents' associations;
  - Individuals.
- 5.20 The database was updated in 2012 to ensure all contacts included on the database still wanted to be included, and that contact details were correct. We contacted all consultees on the database and advertised the update on the Council's website. We aim to update the database every three years. Besides the statutory consultees, those on the database have expressed an interest in being kept informed on planning policy updates in Haringey. In most cases people have only provided their email address so we cannot assess the geographical spread of our consultees, although we are confident that the organisations included represent the diversity of ethnic groups, gender groups, special interest groups, and age groups; and organisations that have a direct interest in the borough in terms of business, housing provision, heritage, design, conservation, leisure and culture.
- 5.21 In some cases the Planning Policy team will access other consultation databases to contact groups and individuals outside of your database on specific issues, for example the London Landlord Association for the introduction of the Article 4 Direction.

**Development Management**

- 5.22 At validation stage amenity and residents groups and Conservation Area Advisory Committees are identified which should be consulted depending on the area the application is in. This information is held on a hard copy map and is reviewed periodically.

**Ensuring that hard to reach groups or seldom heard groups are sufficiently engaged.**

- 5.23 The community involvement and consultation activities undertaken in planning reflect the Council's equal opportunities commitments and priorities, as set out in the Council's Equal Opportunities Policy 2008. In addition, the Planning service take forward the principles and commitments of the Haringey Compact, which is the agreement between voluntary, community and statutory organisations on how they intend to engage and work together to make a positive difference to Haringey's services. The SCI reflects the community involvement and consultation priorities identified in these corporate documents. In addition, the Planning teams work with established structures such as the Developers Forum, Conservation Area Advisory Committees, Tenants Forums and residents' associations which allow us to engage with a wider audience.
- 5.24 A variety of consultation methods that can be employed to improve engagement are set out in the SCI alongside the basic standards. The methods used in past consultations include workshops, focus groups, attending residents and community meetings, exhibitions/stalls at community festivals, working with young people through schools, drop in sessions, attending area assembly meetings and on street leafleting. The informal methods of consulting such as drop-in sessions, public exhibitions and on street leafleting have proved to be successful in engaging with individuals who have not been involved with Planning before and who would otherwise not have the time, interest or inclination to submit a formal response to a consultation. Their views and issues are captured and in some cases the participants will ask to be included in the consultation database to receive information on future consultations.
- 5.25 The consultation for the Preferred Options of the Local Plan Strategic Policies (formerly Core Strategy) was an example of when many of the methods outlined in the SCI were employed. As well as the statutory notification requirements the Planning Policy team and a number of consultation experts carried out an eight week consultation programme which involved schools workshops; a workshop with older people; BME focus groups; drop-in sessions around the borough, including shopping centres, town centres, and leisure centres; public exhibitions at community summer festivals; meetings with residents' associations and amenity groups; and presentation and information at area assembly meetings.
- 5.26 As budgets are limited, and these events and methods are time and resource intensive they are generally undertaken only at one most relevant stage of the consultation in the preparation of a policy document. We try to make use of existing events planned by others. We also offer visits to community groups to discuss our planning policy documents.
- 5.27 We will continue to work with the corporate consultation team when preparing our consultation programmes and engaging with harder to reach groups.

### **Assess the Haringey Statement of Community Involvement (SCI) and make recommendations for development / improvement.**

- 5.28 Haringey's SCI was first adopted in May 2007 and was reviewed in February 2011 in response to changes in planning law.
- 5.29 As part of the examination of the Local Plan Strategic Policies the Inspector found that consultation was carried out in line with the requirements of regulations and the SCI (Planning Inspector's Report in December 2012).
- 5.30 It is recognised that the SCI needs to be updated to reflect the introduction of Localism and the National Planning Policy Framework. Additional requirements for the Council include the Duty to Cooperate and Neighbourhood Planning. Also see the question on planning legislation below.
- 5.31 A review of the SCI will also include new methods of engagement using more interactive online tools, such as SNAP surveys and online discussion forums. Although the response rate to previous online consultation methods has been varied, we expect that this will grow as people use more remote communications. We will continue to work with our corporate consultation colleagues to design methods of improving how we use technology in consultation and how we can promote them more widely.

### **The role of community engagement in Development Management Forums in larger scale planning applications**

- 5.32 Since January 2012 to date there have been 18 Development Management Forums. Details are included in Appendix D. Attendees ranged from 0-200. The role and format of the Forums will be reviewed as part of the Development Management Improvement Plan.

### **Assess whether there is appropriate education and training among local community groups to support engagement with local planning process;**

- 5.33 Notification of planning policy consultations sets out the scope and role of the draft document, the stage of preparation, how to access the relevant documents, and how to respond to and participate in the consultation. The team offer advice on the document and how to engage via dedicated web pages, email and telephone. In addition, information and advice is provided through meetings attended by officers during the consultation period.
- 5.34 We ran training events in the past for community groups and are currently considering an open-day event in June/ July 2014. This will coincide with the preparation of our next three key planning policy documents.

5.35 As part of the development management improvement plan it is proposed to run an open day session for community groups early in 2014.

**That appropriate use of digital, new technology and social media is used to engage and involve local residents and communities with planning development processes;**

5.36 For Planning Policy please see paragraph 5.31 above.

5.37 With regard to Development Management this will be investigated when conventional processes have been reviewed and improvements in place. The position with regard to planning policy is set out above.

**To assess the role of members in community engagement, and consider ways in which they can be engaged in the pre-application process.**

5.38 There is currently no formal member involvement in the pre-application process. Processes are currently being reviewed through the DM improvement plan. A review of the current member protocol for involvement in planning is scheduled for 2014. This will draw on experience and best practice in other authorities.

5.39 Councils have historically been concerned about probity issues raised by involvement of members in pre-application discussions and worried that members could be accused of predetermination when the subsequent applications came in for consideration. The Localism Act 2011 has sought to clarify member involvement at the pre-application stage. With the increasing emphasis and encouragement on frontloading the process and the seeking of advice at a pre-application stage there are distinct advantages in involving members. Provided that members avoid expressing an overall view and indication of how they intend to vote and limit their questions to an understanding of the proposal or asking questions they could not be viewed as having a closed mind. However, without an agreed protocol member involvement may unnecessarily open any member on the planning committee to avoidable risks of challenge on apparent pre-determination.

5.40 Constructive pre-application discussions between potential applicants and planning officers has been recognised, and is increasingly the norm in authorities, as helping to ensure all relevant considerations are addressed when an application is submitted and to potentially speed up the determination of an application and bring more certainty into the process. As the PAS guidance 'Constructive Talk 2007' explains good pre-application advice removes as much uncertainty as possible for the developer, allowing the proposal to proceed with more confidence and reduces the risk of abortive costs arising from failed applications. Nevertheless in order to avoid perceptions that members might have fettered their discretion such discussions should take place within clear published guidelines.

5.41 There are examples within London and other authorities of the way in which authorities have involved members. These include:

**London Borough of Camden** – Has established a Development Management Forum to consider large scale development proposals at a pre-application stage in order to understand the aims and any constraints as early as possible and see how proposals can be adapted to better reflect community aspirations. The forum enables local residents, business and organisations to comment on proposals at an early stage and supplements any developer consultation. Members and officers attend but do not express any opinions on the merits of the proposal.

**London Borough of Croydon** – Created a Strategic Planning Committee that both determines major planning applications and receives presentations on them at the pre-application stage. At key points in the pre-application process the developer has the opportunity to present their scheme to the committee and then members ask questions and give their opinion on aspects of the scheme. This is a minuted public meeting. Although there are clear probity pitfalls by encouraging members to comment on aspects of a development (its design, impact on neighbours etc.) but to avoid stating a view on the scheme as a whole these are comfortably avoided. The authority has found that members appreciate being involved at an early stage in the development management process and in this way obtain a detailed understanding of the strategic developments. When the applications are formally submitted they are much better placed to deal with their constituents. Their view is that pre-application member engagement is best done openly in public, probity risks can be managed quite easily and this approach can significantly speed up the process by ensuring that inputs occur at the right stages and that it progresses in an efficient and effective way.

**London Borough of Lambeth** – Has established a strategic panel whose purpose is for members and senior officers to be briefed on major development proposals at pre-application stage so that all concerned can be made aware of pending schemes and the issues and opportunities generated. The protocol sets out that the panel will have no decision-making powers, nor will views expressed be binding or influence the way in which applications may be reported to and determined by the Planning Applications Committee.

**Wycombe District Council** – A guidance note on member and officer involvement in the pre application stage includes the facility for developer presentations to members and stakeholders immediately before the planning committee's main meeting. Invitees include all members of the Council, relevant officers, representative of the Highway Authority, Chairman of the Parish/Town Council and a deputy, members of local associations and residents groups. The presentation has a standard format. Although there are no formal minutes of the meeting, applicants are

required to submit a Statement of Community Involvement with the planning application and note in this that a developer presentation took place.

**Assess how recent legislative changes in the planning sector have (or will) impact on community engagement processes and are reflected in local arrangements? Localism Act, Neighbourhood Planning (Plans), Community Infrastructure Levy**

- 5.42 Localism Act introduced a number of new tools and opportunities for communities to get involved in planning. These include neighbourhood plans, neighbourhood development orders, community right to build, community right to bid, community right to challenge and community transfer of assets. These are community led initiatives and the Council role is to facilitate and advice. The Council have set up web pages with relevant information about these tools and have put in place procedures for supporting these additional responsibilities. A large part of the Council's role in facilitating Localism is public notification, assessment of applications submitted and decisions on the applications. The Act sets out the statutory requirements which must be met by the Council.
- 5.43 The Council's role in Neighbourhood Planning involves publicising and deciding on applications, and facilitating examinations and referendums, as well providing technical advice, interpreting policy and reviewing draft plans. The Council can determine how much support it can commit to Neighbourhood Planning. To date there is only one community group in the borough who have taken up neighbourhood planning. This is the Highgate Neighbourhood Forum. The Council has worked closely with the Highgate Forum in designating the group and area, and supporting their plans and process. This work involves a significant level of staff time, depending on the stage of the process and the group's requirements.
- 5.44 The Council's CIL was prepared in consultation with the public and met the statutory requirements as set out in regulations and the SCI.

## **6. Use of Appendices**

Appendix A – Planning Framework and opportunities for community involvement in planning

Appendix B – Extracts from the Haringey Local Development Framework Local Plan Strategic Policies (formerly Core Strategy) Statement of Consultation (March 2011)

Appendix C – Planning Neighbour Consultation Policy

Appendix D- Development Management Forums

## **Appendix A – Planning Framework and opportunities for community involvement in planning<sup>1</sup>**

### **National Planning Policy**

- Wider stakeholder involvement in the preparation of draft policy statements and guidance.
- Government White papers on policy proposals issued for public consultation.
- Planning Policy Statements and other guidance documents issued in draft for public consultation.
- Draft regulations issued for public consultation.

### **Regional Spatial Strategies (as supported by Mayor of London)**

- Focus group on project plan for RSS revision.
- Focus groups of stakeholders, consultation seminars and other opportunities to be involved in emerging issues and options for draft RSS revision.
- Formal opportunities to make representations when draft revision of RSS is submitted to the Secretary of State.
- Examination in public into the draft RSS revision.
- Opportunities to make representations on changes to the RSS revisions proposed by the Secretary of State.

### **Local Development Documents (as supported by Local Planning Authority)**

- Statement of Community Involvement sets out the Local Planning Authority's policy on involving the community in the preparation of its Local Development Documents.
- Early dialogue on LDDs, in line with the SCI.
- Before draft proposals are finalised, the authority will formally publish its preferred options for consultation and must consider representations.
- Draft Development Plan Documents are published and submitted for public examination. Representations can be made, to be considered at the examination.
- Those making representations seeking changes to a DPD will have a right to appear in person at the examination.
- Inspector's report will be made available for public inspection.
- Annual monitoring report published by local authority.

### **Planning Applications (as supported by Local Planning Authority)**

- The SCI will set out the LPA's proposals for consulting the community on planning applications.
- Third parties can make representations on planning applications.
- Objectors can speak at planning committee meetings at the discretion of the LPA.
- Reasons for decisions are published.
- Third parties can make representations on appeals and at inquiries into called in applications.
- Additional consultation with regional and national bodies where appropriate for Major Infrastructure Projects.

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<sup>1</sup> Community Involvement in Planning: the Governments objectives Office of Deputy Prime Minister (2004)