


|  |   |
|--|---|
| <b>Cabinet Decision</b>                                      |  |
| 24 April 2019  |   |
| <b>Report of:</b> Ann Sutcliffe, Corporate Director of Place | <b>Classification:</b><br>Unrestricted  |
| <b>Adoption of Statement of Community Involvement</b>        |   |

|  |   |
|--|---|
| <b>Lead Member</b>                       | <b>Councillor Rachel Blake, Deputy Mayor for Regeneration and Air Quality</b>   |
| <b>Originating Officer(s)</b>            | Adele Maher, Strategic Planning; Steven Heywood, Planning Officer   |
| <b>Wards affected</b>                    | All   |
| <b>Key Decision?</b>                     | Yes   |
| <b>Forward Plan Notice Published</b>     | 31 January 2019   |
| <b>Reason for Key Decision</b>           | Significant effect on communities living in two or more wards   |
| <b>Strategic Plan Priority / Outcome</b> | <p>People are aspirational, independent and have equal access to opportunities;</p> <p>A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough.</p> |

### Executive Summary

The Council is required, under Part 2, Section 18 of the Planning and Compulsory Purchase Act 2004, to prepare a Statement of Community Involvement (SCI) that sets out how the Council will consult with stakeholders in the preparation of planning documents and the taking of planning decisions. The planning service keeps the SCI under review to ensure that it reflects current practice and legislative requirements. The current SCI was adopted in 2012 and partially updated in 2017 in advance of the Local Plan examination, to ensure the section on planning policy consultation was reflective of the most recent legislation. As planned at that time, the SCI has now been completely updated, and this document is intended to fully supersede the 2012/2017 SCI.

### Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the adoption of the updated Statement of Community Involvement, to supersede the 2017 version.

2. Note the specific equalities considerations as set out in paragraphs 4.1 to 4.3.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Council is required by legislation to prepare a Statement of Community Involvement (SCI), setting out how the Council will consult on planning matters in the borough (under the Planning and Compulsory Purchase Act 2004, section 18).
- 1.2 The Council is also required to ensure the SCI remains up-to-date, with a review period of five years under the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
- 1.3 The currently adopted SCI was partially updated in 2017. However, this refresh focused primarily on the sections of the document relating to consultations on planning policy. This was done to ensure that these sections were up-to-date before the examination of the emerging Local Plan. At the time of adopting this partial refresh, it was intended that a full update would be produced in 2018.
- 1.4 Without this full update, some sections of the SCI could be considered not to have been reviewed for over five years, as the last full update of the SCI was adopted in 2012.
- 1.5 This report presents a fully updated SCI for adoption by the Council, in order to meet statutory requirements.

## **2. ALTERNATIVE OPTIONS**

- 2.1 To not adopt the updated SCI, and to rely on the currently adopted SCI – which is the partial refresh adopted in 2017.
- 2.2 There is a risk that if this option is taken, parts of the SCI could be considered not to have been reviewed within five years of the adoption of the 2012 SCI. This is because the 2017 refresh primarily focused on the sections of the document relating to planning policy, with the intention of work being undertaken on a full update in 2018. The Council is required by regulations to review the SCI at least once every five years.

## **3. DETAILS OF THE REPORT**

- 3.1 The Council is required by legislation to prepare a Statement of Community Involvement (SCI), setting out how the Council will consult on planning matters in the borough. The Council is also required to ensure that the SCI remains up-to-date, and is reviewed at least once every five years. The relevant legislation is the Planning and Compulsory Purchase Act 2004, and

the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

- 3.2 The Council's current SCI was adopted in 2017. This was a partial review and refresh of an SCI which was first adopted in 2012. The review was undertaken to ensure that the sections of the SCI relating to plan making were fully in line with the latest legislation on that matter. This was felt necessary in order to demonstrate at the examination of the emerging Local Plan that the plan had been consulted on in line with both the Statement of Community Involvement and the most recent legislation on local plan consultations.
- 3.3 The report sent to Cabinet on 19 September 2017 (under 'Alternative Options') considered the option of undertaking a full review of the SCI at that time, but concluded that this would require significant officer time during a period when the emerging Local Plan needed to take priority. It therefore stated that "a second stage of the SCI update is needed to review the principles of consultation in relation to the development management process, with the intention to go out to public consultation in summer 2018". The updated SCI presented in this report is the culmination of that second stage.
- 3.4 A public consultation was held on the SCI between 5 November 2018 and 18 January 2019. Eleven responses were received from the consultation. The process of the consultation and officer responses to the representations are set out in the attached Consultation Statement.
- 3.5 The updated SCI presents some changes from the previous version, described in the following paragraphs.

### General Changes

- 3.6 The new SCI is half the length of the previous version. This has been achieved by condensing some sections of the document, and removing other sections that were considered unnecessary. The introductory matter has been significantly shortened. The 'portrait of Tower Hamlets' communities' chapter has been removed, as this information does not need to be included in an SCI. The section on 'types of consultations and costs' has been removed – the cost information had a primarily internal function, helping planning officers to evaluate which consultation techniques to use in particular cases, and provided no benefit to the public in terms of understanding how the Council would conduct consultation exercises. References to the different types of consultation techniques that can be used have been retained. Appendices 2 and 3 have been incorporated into the main document, and have been significantly condensed – as these appendices set out the details of how the Council will consult on planning matters, they better form part of the main document, and the language and level of detail has been simplified to that which could easily be understood by members of the public without a planning background. The language of the document has been improved to remove jargon as far as possible, and to only include information that would be relevant to members of the public interested in finding out more about planning consultations.

## Neighbour Notification Boundaries

- 3.7 The new SCI alters the boundaries used for sending neighbour consultation letters for planning applications – these are the letters sent to close neighbours of proposed developments to alert them to what is being proposed and explain how they can comment on the proposal. Current practice is to send neighbour notification letters to all properties with 20 metres of a major or strategic development (defined as 10 or more homes, a residential site area of more than 0.5ha, non-residential applications for more than 1000sqm of floorspace, or non-residential site areas of more than 1ha), and 10 metres of a non-major development.
- 3.8 Evidence gathered in the course of preparing the SCI found that the response rate to these neighbour notifications is very low. In 2017-18, 111,538 neighbour notification letters were sent, and a total of 13,036 comments on planning applications were received – a response rate of only 11.7%, even if we assume that all comments were generated in response to neighbour notification letters (which is unlikely to actually be the case, as there are other methods of finding out about planning applications – site notices, newspaper notices, local interest groups, the online planning register, and so on). In the previous two years, the response rate was similarly low, at 8.4% in 2016-17 and 12.9% in 2015-16. Some large applications in densely populated areas generate very large numbers of notification letters in return for a very small response – for example, one application looked at during the SCI update process generated 6,830 letters at an estimated cost of almost £11,000, and received only 45 comments, a response rate of 0.65%. Not all applications cost quite so much or receive quite so few responses, but the overall cost of preparing and printing neighbour notification letters was estimated at just over £68,000 in 2017-18. This evidence was presented as part of the consultation material for the SCI, and no comments were received on it.
- 3.9 The new SCI therefore redefines the neighbour notification boundaries in response to the evidence gathered that shows current practices to be inefficient (paragraphs 4.20 to 4.28, and related table). The 20m boundary will still be used for strategic developments (those with 150 homes or more, 15,000sqm or more of floorspace, or exceeding 30 metres in height), and will be reduced to 10m for other major developments, and 5m for non-major development. For non-major developments that do not create any additional floorspace, only neighbours within the same building will be notified. The new SCI is clear that these boundaries are minimums – for applications where there is a public interest in consulting more widely, they can be extended.
- 3.10 This approach is not intended to reduce the amount of consultation the Council undertakes on planning matters, but to make the consultation process more efficient. Neighbour notification letters will continue to be combined with site notices, press notices, information available on the Council's website, and other forms of consultation described in the SCI.

## New Techniques for Consultation

- 3.11 The new SCI adds a section on new techniques for consultation (section 5). This describes possible ways in which the Council may use technology to consult on planning matters in the future. These suggestions are based on ideas that the planning service are currently considering, or which the communications service have indicated are possible to implement, dependent on resources. The wider corporate transformation agenda may lead to the Council adopting more ambitious goals for the use of new technology in consultation processes – these can be captured in future updates of the SCI, as and when they are implemented.

## Alterations

- 3.12 Some minor alterations have been made to the SCI document since this report was approved at MAB. A number of minor typos or poorly phrased sentences have been fixed. It has been noted that developments which require Environmental Impact Assessments have a statutory requirement for 30 days consultation; and that when there are public holidays during a consultation period, we are required to add that time on to the overall consultation period. A table has been inserted showing what we are statutorily required to do in terms of planning application consultations, and what our actual practice is – demonstrating that we often consult for longer than is legally required, in order to ensure all stakeholders have adequate chance to comment. It has been made clear that residents do not need to receive a letter to be able to comment on a planning application – everyone is welcome to comment. And it has been clarified that properties across the street from a planning application site will be notified, even if they fall outside of the official boundary for sending neighbour letters.
- 3.13 These changes have stemmed from discussions with the Deputy Mayor for Regeneration and Air Quality.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 A Quality Assurance Checklist has been completed, which identified that a full Equalities Impact Assessment was not required.
- 4.2 The SCI does raise some equalities considerations, and regard has been given to the Equalities Act 2000 in the production of the document. The document makes clear (section 2) that ‘hard-to-reach’ and underrepresented groups need to be considered when preparing for planning consultations, and that consultations should be made accessible to those with disabilities (bullet point on ‘outreach and accessibility’). In response to a consultation comment received from the Tower Hamlets legal department, this bullet point emphasises that people who do not speak English as a first language are considered a ‘hard-to-reach’ group and should be considered when preparing planning consultations. A consultation statement should be prepared after major consultations, describing the processes undertaken in preparing for the

consultation and how the consultation was made accessible (bullet point on 'openness').

- 4.3 Under these circumstances, rather than attempt to formulate a detailed translation policy for the planning service as part of the SCI, the new SCI includes, as one of its principles, that 'those who do not speak English as a mother tongue' should be considered as one of the 'hard-to-reach' groups when preparing for planning consultations. In this way, different parts of the service can approach this issue in the manner most appropriate to their work.

## **5. OTHER STATUTORY IMPLICATIONS**

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
  - Consultations,
  - Environmental (including air quality),
  - Risk Management,
  - Crime Reduction,
  - Safeguarding.
- 5.2 **Best Value Implications:** The new SCI reduces the boundaries for sending out neighbour notification letters – this change is discussed in more detail in paragraphs 3.7 to 3.10 above. In the 2017-18 financial year, approximately £68,000 was spent on preparing and printing neighbour notification letters, and the changes in the new SCI should reduce this significantly – neighbour notification boundaries have been halved for all but the biggest applications, so costs should also be roughly halved (although the precise costs will depend on how many and what kinds of applications come forward in a given financial year, and there is discretion for the planning service to use wider neighbour notification boundaries for applications where this would be appropriate).
- 5.3 **Consultations:** A public consultation was held between 5 November 2018 and 18 January 2019. The details of the consultation process, the representations received, and officer responses to them can be found in the attached Consultation Statement.
- 5.4 **Environmental:** The new SCI will have a potentially beneficial impact on the environment through the reduction of neighbour notification letters (see paragraph 5.2 above, and paragraphs 3.7 to 3.10 earlier in this document). In the 2017-18 financial year, the planning service generated 111,538 neighbour notification letters – this was already a significant reduction on the previous two years (when around 165,000 and 180,000 letters had been produced), and is likely to be reduced further under the new SCI. The neighbour notification boundaries have been halved for all but the biggest applications, so the number of letters produced should also be roughly halved (although the precise numbers will depend on how many and what kinds of applications

come forward in a given financial year, and there is discretion for the planning service to use wider neighbour notification boundaries for applications where this would be appropriate).

- 5.5 **Risk Management, Crime Reduction and Safeguarding:** There are considered to be no implications for these issues stemming from this proposal.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report seeks approval by the Mayor in Cabinet of the updated Statement of Community Involvement which sets out how the Council will consult on planning matters.
- 6.2 The main costs associated with the development of the Statement of Community Involvement are staffing related and have been financed from within existing resources, as have the costs associated with the consultation process.
- 6.3 The proposed revision of neighbourhood notification boundaries (paragraphs 3.7 to 3.10) will reduce the number of consultation letters that it will be necessary to send in relation to planning applications, leading to savings in the printing and distribution costs associated with the process. Although it is not possible to exactly quantify the scale of these savings due to the varying consultation requirements that are associated with different types of planning applications, with historic expenditure of £68,000 related to neighbour notification letters during 2017-18, it is expected that these costs will be approximately halved in future, reducing possible budgetary pressures in this service area.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1. Section 18 PCPA 2004 requires that the local planning authority must prepare a statement of community involvement. The statement of community involvement is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under sections 13, 15, 19, 26 and 28 of the Act and Part 3 of the 1990 Act of persons who appear to the authority to have an interest in matters relating to development in their area.
- 7.2. A statement of community involvement must set out the local planning authority's policies for giving advice or assistance under (a) paragraph 3 of Schedule 4B to the 1990 Act (advice or assistance on proposals for making of neighbourhood development orders), and (b) paragraph 3 of Schedule A2 to the PCPA (advice or assistance on proposals for modification of neighbourhood development plans). The statement of community involvement is a local development document. There is no longer a requirement for the SCI to be examined by an independent Planning Inspector, however all Local Plan documents must comply with the requirements for community involvement as set out in this document.

- 7.3. The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 introduced the requirement to review a statement of community involvement every five years, starting from the date of adoption. This statutory instrument sets a period of five years within which an authority should undertake an assessment of whether its development plan documents, and its Statement of Community Involvement remain up to date
- 

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Cabinet, 19 September 2017, Item 5.12 – Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (Regulation 19 Consultation) and Adoption of the Statement of Community Involvement (SCI) Refresh

### **Appendices**

- Appendix 1 - Statement of Community Involvement 2019
- Appendix 2 - Consultation Statement
- Appendix 3 - Quality Assurance Checklist

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None

### **Officer contact details for documents:**

Steven Heywood