	<p style="text-align: center;">Full Council 26th June 2006</p> <p style="text-align: center;">Report from the Director of Environment and Culture</p>
For Action	Wards Affected: ALL
Statement of Community Involvement Adoption	

Forward Plan Ref: E&C-05/06-063

1.0 Summary

- 1.1 The purpose of this report is to inform Members that a binding report was issued by the Planning Inspector, following the Independent Examination on the Statement of Community Involvement (SCI). After not meeting all the tests of soundness at the Independent Examination, the changes recommended by the Inspector have now been incorporated and, consequently, the amended SCI now passes the tests and is considered statutorily sound. This SCI item was deferred at the Full Council meeting 22 May 2006, and some amendments have been made subsequently to clarify certain aspects. These changes are shown in **bold** type. Full Council, in light of the amended officer's report, are asked to adopt the revised SCI. The SCI will then be published formally.

2.0 Recommendations

- 2.1 That Full Council notes the Inspector's Binding Report.
- 2.2 That Full Council agrees to adopt and publish the revised Statement of Community Involvement incorporating the Inspector's recommendations.

3.0 Detail

- 3.1 The Planning Compulsory Purchase Act 2004 requires local authorities to draft a Statement of Community Involvement (SCI) as part of the Local Development Framework (LDF) portfolio.

- 3.2 An SCI should set out the Council intention to achieve continuous community involvement both in the preparation of local development documents and in the assessment of planning applications.
- 3.3 Brent's SCI aims to ensure that all sections of the public, including local groups and organisations, are actively involved throughout the process of preparing any local development document.
- 3.4 Brent began to prepare its SCI in Mid 2004. The production process underwent 4 key statutory stages, pre-production, production, submission and adoption. Public consultations were held for the first three stages, the views and comments received were all revised in the next version of the SCI. The revised SCI was eventually submitted to the Government Office in June 2005. **After a 6 week consultation period an Independent Examination in the form of a Local Hearing was requested by objectors.** This was carried out by a Planning Inspector in December 2005 to assess the soundness of the SCI.
- 3.5 **As a result Brent's SCI did not pass 5 of the 9 tests of soundness.** A subsequent Binding Report was issued to the Council in February, in which **the Inspector recommends a number of both major and minor amendments that the SCI must include** before it can be adopted and to be a sound Local Development Document (LDD). The recommendations have been taken into account in the revised SCI as attached in Appendix 3
- 3.6 If Full Council agrees to adopt the SCI, its community involvement policies will apply to the LDF process and assessment of all planning applications.

4.0 Financial Implications

- 4.1 An allowance was made in the 2005/6 budget for costs over and above staff costs including that for consulting upon and publishing the SCI. Most of the funding required has been met from the Planning Delivery Grant. Government officials have made it clear that the Planning Delivery Grant (PDG) should be used to meet additional resource requirements of the new system. The costs of publishing the SCI will be met from The Planning Service budget for 2006/7.

5.0 Legal Implications

- 5.1 The Planning and Compulsory Purchase Act 2004 has changed the statutory basis for drawing up development plans in England and Wales. The Unitary Development Plan and Supplementary Planning Guidance will be replaced by a Local Development Framework. One of the documents that the Council is required to produce is the Statement of Community Involvement. This has to follow the statutory process outlined in the diagram above.
- 5.2 Adoption of the Statement of Community Involvement by the Council can only be undertaken by Full Council.

6.0 Diversity Implications

- 6.1 The Statement of Community Involvement (SCI) sets out Council community involvement policy in the preparation of the LDF and in assessing planning applications. It provides an inclusive approach to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Views have been sought from the community as to how they wish to be involved throughout the process. The SCI as part of the LDF process has been subjected to an Equality Impact Assessment.

7.0 Staffing/Accommodation Implications

- 7.1 The estimation of a need for additional staff to undertake LDF work remains same as the estimation reported to the Executive on 13th December 2004. The emphasis on community involvement in the new system means that greater resources are required to be devoted to consultation than with the old system of plan making.

Background Papers

Details of Documents:

The Planning and Compulsory Purchase Act, 2004
Brent UDP Revised Deposit Replacement Plan, April 2001.
Planning Policy Statement 12: Local Development Frameworks
Creating Local Development Frameworks - A Companion Guide to PPS12
Town & Country Planning Regulations (Local Development) (England) Regulations 2004

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Tel: 020 8937 5309

Richard Saunders
Director of Environment and Culture

INSPECTOR'S REPORT

BRENT COUNCIL

STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: Mary Travers BA(Hons) DipTP MRTPI

Date of Hearing: 14 December 2005

File Reference: LDF000149

Brent Council - Statement of Community Involvement (June 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the Brent Council Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004. Following paragraph 3.10 of Planning Policy Statement 12 (PPS12): Local Development Frameworks, the examination has been based on the nine tests set out (see Annexe A to this report). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is a clear need in the light of the tests in PPS12.
- 1.2 A total of 13 separate individuals or organisations made written representations on the SCI, all of which have been considered. A requested hearing was held on 14 December 2005: the attendance sheet listing those present is attached. Since this report is into the soundness of the SCI I have not referred to matters raised in the written representations or at the hearing unless they result in a recommendation for a change.

Test 1

- 2.1 This test is dealt with in the pre-submission consultation statement. The Highways Agency is not listed as a statutory consultee in Appendix A of the submission statement but Appendix 2 of the SCI includes the agency among the list of Specific Consultation Bodies which the Council will consult if the body is likely to be affected by what is proposed to be covered in a local development document (LDD). There is nothing to indicate that any prejudice has occurred as a result of the original omission, and the consultation requirements set out in the Regulations¹ are satisfied by Appendix 2 of the SCI.
- 2.2 This test has been met.

Test 2

- 3.1 The SCI provides an overview of the Council's approach to community involvement in order to ensure consistency with its corporate and community strategies. Sections 1.2 and 1.3 set out a clear context for the types and stages of community involvement and the aim of continuous community involvement. Paragraph 1.6 explains the relationship between the Local Development Framework (LDF) and the Community Strategy and states that the opportunities for joint working and shared consultation activities will be maximised wherever possible. Section 4 of the SCI sets out the community involvement vehicles that will be used for engagement

¹ The Town and Country Planning (Local Development) (England) Regulations 2004.

in the LDF, many of which have wider community remits that cut across service areas.

3.2 This test has been met.

Test 3

4.1 An SCI should identify in general terms which local community groups and other bodies will be consulted. Section 3 of the Brent SCI explains who will be consulted and Appendix 2 accords with the guidance in PPS12 by listing the Specific Consultation Bodies and General Consultation Bodies as well as listing the types of groups and organisations which will be involved. It is also made clear that the Council will consult with bodies only if the subject matter of the LDD affects them and that they may consult with other bodies as appropriate. Paragraph 4.9 of the document confirms that the Council will maintain a consultation register with up-to-date contact details for all groups and individuals in the Borough with an active interest in planning issues, and that such individuals and groups can request to be placed on the register at any time. However, the Council's intentions should be made clearer by minor changes to the wording of paragraphs 4.8 and 4.9 and I recommend accordingly.

4.2 The methods of consultation described in Section 4 of the document and in the detailed schedules in Section 5 exceed the minimum requirements set out in the Regulations. But it would be helpful for the reader if a reference were to be inserted in paragraph 4.13 to the section on planning applications so that the role of ad-hoc meetings is placed in a wider context. I recommend accordingly.

4.3 Recommendations

- (i) delete the word 'appropriate' from the second sentence of paragraph 4.8.
- (ii) re-word the final sentence of paragraph 4.9 as follows:
Individuals and groups with an active interest in planning will be placed on the register on request at any time'.
- (iii) add a new sentence to paragraph 4.13 as follows: See also paragraph 7.3 concerning planning applications.

Test 4 and Test 5

5.1 These tests are considered together as they are interrelated.

5.2 Section 5 of the document describes the stages in the production of development plan documents (DPDs) and the methods that will be used to involve the community in this process. It acknowledges the role of the community and stakeholders at the very earliest stage of

plan preparation and throughout the process leading to statutory adoption.

5.3 The SCI should however explain that at the examination stage, DPDs will be assessed in accordance with the tests of soundness set out in PPS12. I recommend an addition to the text on this matter.

5.4 It is clear from Sections 4 and 5 that a range of community involvement methods will be used that are appropriate and accessible for the needs of various groups and for the type of document, and that consultation will be carried out early enough to allow for engagement at each of the stages of DPD preparation. From the outset, the SCI acknowledges the particular importance of targeting hard-to-reach groups; paragraph 1.5 describes a number of appropriate methods that may be used to involve such groups. However, the intention to advertise in languages other than English should be set out, given the need to reach individuals and groups who may not be able to read English.

5.5 Recommendations

- (i) after the first sentence in the third bullet point of section 5.1 insert a new sentence as follows: Paragraph 4.24 of PPS12 explains the tests of soundness upon which the examination will be based.
- (ii) add a new sentence to paragraph 4.6 as follows: The Council will publish advertisements in languages other than English where this is deemed appropriate.

Test 6

6.1 Paragraph 2.5.1 explains who will manage community involvement processes in the Council and when additional resources may be called upon to supplement existing provisions. This information is supplemented by the details provided on the methods that will be employed to engage with the community and stakeholders. Many of these methods rely on existing facilities – the website, the Brent Magazine, libraries and One Stop Shops. Reading the document as a whole, it is clear that reasonable consideration has been given to the link between resources and the type/scale of community involvement proposed. However, it should be made explicit that the Council will seek to link consultation exercises on different LDDs where this would be appropriate.

6.2 Recommendation

- (i) Add a new sentence to Section 5 which states that the Council will seek to link community involvement initiatives on different LDDs where this would be appropriate, for example, where a Supplementary Planning Document (SPD) and a Development Plan Document (DPD) are prepared in parallel because the detail set out in the former is fundamental to the

early delivery of policies in the latter; also, include a cross-reference in this sentence to Section 6 so that the reader is guided to the section on Supplementary Planning Documents.

Test 7

7.1 Section 1 of the document explains in general terms how all those who wish to be involved in shaping the future of the Borough can do so. The tables in Sections 5 and 6 identify how decisions will be made about the content of DPDs and SPDs and they list the purposes of, and outcomes expected from, the community involvement activities at various stages in the development of LDDs. This makes it explicit that there will be a formal process for reporting back on the outcome of community involvement.

7.2 This test has been met.

Test 8

8.1 Paragraph 2.4.1 sets out how the SCI will be replaced/updated as necessary as identified by the annual monitoring report (AMR) or more informal review mechanism if appropriate before that time. It also makes clear that any changes deemed necessary as a result of the AMR or other assessment will be reflected in the production and submission of a revised Local Development Scheme.

8.2 This test has been met.

Test 9

9.1 Section 7 of the SCI sets out the Council's policies and procedures for consultation on planning applications and makes clear how the results of consultation will be reported and will inform decisions. Section 7.1 explains the various procedures for consultation on applications of different types and significance. Ways in which the community will be involved are explained clearly, and this includes provision for community involvement before an application is made (see paragraphs 7.0.3-7.0.4). Overall, Section 7 sets out clear policy and procedures which exceed the minimum requirements contained in the legislation. However, it would be helpful to the reader to make clear in Section 1.7 that references to planning applications in the SCI also apply where relevant to development control applications such those for listed building or conservation area consents. And it would be advisable to amend section 7.1 to avoid any inference that the significant planning applications referred to are those which require an Environmental Statement.

9.2 Recommendations

- (i) Insert a footnote to the first sentence of paragraph 1.7 which explains that references to planning applications in the SCI also apply where relevant to development control applications such as those for listed building or conservation area consents.
- (ii) Delete the words `environmental effects' after the word `significant' in the table which explains the thresholds for the different types of planning application in Section 7.1.

Other Matters

10.1 At the hearing the Council proposed that the references to the initial sustainability report should be deleted from the tables on pages 17 and 23 of the SCI since this is no longer a requirement. I agree that the SCI should be updated accordingly.

10.2 Paragraph 5.0.1 and the definition in Appendix 1 do not fully reflect the position in relation to the development plan and this should be corrected.

10.3 The submission draft SCI includes some references to matters that will be out-of-date or redundant in the adopted document. These should be deleted in accordance with my recommendations.

10.4 I have not attempted to identify every typographical error but for the assistance of the Council I list those which I have noted and which should be corrected.

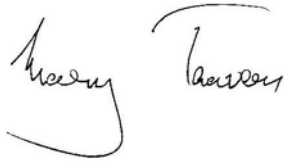
10.5 Recommendations

- (i) Delete the references to the initial sustainability report on pages 17 and 23 of the SCI.
- (ii) Re-word the final sentence of paragraph 5.0.1 as follows:
The development plan for Brent will comprise of the London Plan, the DPDs from the Brent LDF as and when they are adopted, and the saved Brent Unitary Development Plan (UDP) until such time as it is superseded by the adopted DPDs.
- (iii) Amend the definition of the development plan in Appendix 1 in accordance with recommendation (ii) above.
- (iv) Update the references to the SCI and to the LDS in paragraph 2.0.1 and in Appendix 1 respectively by changing the references to `will be' to `has been' or `have been' as appropriate.

- (v) Delete sections 2.1, 2.2, 2.3 and Appendix 3.
- (vi) Correct the typographical errors in the final clause of the first paragraph of section 7.3 so that it reads as follows: the second the commitments of Brent Council after submission, leading to, during and post determination.

Conclusion

11.1 Subject to the above recommendations the Brent Council Statement of Community Involvement (June 2005) is sound.

A handwritten signature in black ink, appearing to read 'Mary Travers', with a large, sweeping flourish at the end.

Mary Travers
Inspector

ANNEXE A

Examination of the soundness of the statement of community involvement

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;¹
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

From: Planning Policy Statement 12: Local Development Frameworks

Appendix 2
SCI Examination: List of Attendance

SCI Hearing

14th December 2005

Attendance List

Lucinda Carter – London Borough of Brent

Alice Ng – London Borough of Brent

Robert Dunwell – Chairman of Barn Hill Residents Association (2004) and
QARA Group of Associations

Dilwyn Chamber - Self