



**Cabinet**  
24 July 2017

**Report from the Strategic Director  
Regeneration and Environment**

Wards affected:  
All except parts of those wards in  
Tokyngton, Stonebridge, Harlesden,  
Kensal Green that fall within the Old  
Oak and Park Royal Development  
Corporation boundary

**Adoption of Statement of Community Involvement**

**1.0 Summary**

- 1.1 The Statement of Community Involvement explains how the Council will involve local communities and other interested parties when it prepares its planning policies and determines planning applications. The existing Interim Statement of Community Involvement was adopted in 2006. Changes in planning legislation and the forthcoming review of the Local Plan necessitated its update.
- 1.2 A draft Brent Statement of Community Involvement underwent consultation between 30<sup>th</sup> March and 4<sup>th</sup> May 2017. This report sets out the results of the consultation feedback, officer responses and where necessary recommended changes to the document. It seeks the agreement of Cabinet to adopt the amended Statement of Community Involvement.

**2.0 Recommendations**

- 2.1 Cabinet consider the consultation representations received on the draft Statement of Community Involvement, officer responses and recommended amendments to the document as set out in Appendix 1 of this report.
- 2.2 Cabinet approve the adoption of the Statement of Community Involvement as set out in Appendix 2 of this report.
- 2.3 Cabinet revoke the Interim Statement of Community Involvement issued in 2006.

### 3.0 Detail

#### Background

- 3.1 The Statement of Community Involvement (SCI) forms part of the Local Plan. It explains how the Council will involve local communities and other interested parties when preparing our planning policies and determining planning applications. It is a requirement for all Local Planning Authorities to have an SCI, and for their consultations to accord with it.
- 3.2 The Council originally adopted an SCI in June 2006. One of the drivers in updating the SCI is to support the development of the Local Plan. Cabinet agreed to review the Local Plan on 13<sup>th</sup> February 2017, and community engagement will be a central part of the process. Key reasons for updating the SCI are to:
- a) *Allow for innovation.* Since the SCI was adopted in 2006, new and innovative consultation methods have been developed. Social media has helped to change the way the Council can interact with the community. The SCI has been amended to allow for greater flexibility. A wider range of methods can now be used and tailored depending on the nature of the consultation.
  - b) *Provide guidance to developers.* The National Planning Policy Framework encourages applicants to work closely with those directly affected by their proposals to evolve designs. It states that proposals that can demonstrate this should be looked on more favourably. The updated SCI promotes best practice by providing developers with a recommended approach to engaging stakeholders at pre-application stage. It also sets out the Council will expect the applicant to demonstrate how the community has been engaged.
  - c) *Take account of Neighbourhood planning.* Neighbourhood planning was introduced under the Localism Act 2011. It enables neighbourhood forums to produce a neighbourhood plan for their area. Once adopted the neighbourhood plan forms part of the Local Plan. There are requirements on the forum to engage the wider community in the development of their plan. The SCI has been updated to provide guidance to forums on the consultation process. It clarifies which responsibilities sit with the forum and which with the Council. In addition, the SCI sets out how forums will be consulted on planning applications and policy development.

#### Consultation on the draft Statement of Community Involvement

- 3.3 In advance of the formal consultation, comments on an early draft were sought from the Council's Consultation Team, Head of Equalities, neighbourhood forums and the Chair of Planning Committee. This resulted in a number of changes including:
- a) the addition of further consultation methods;

- b) inclusion of reference to the Council's commitment to considering impacts on socio-economic groups;
- c) reference added to Community Voluntary Sector Brent; and
- d) the onus Planning Committee places on community engagement at pre-application stage.

3.4 The document underwent formal consultation for a 6 week period ending 4<sup>th</sup> May 2017. The consultation was publicised via:

- a) website
- b) social media
- c) paper copies in libraries
- d) individuals, statutory consultees, residents' groups and interested parties consulted by email
- e) Community E-newsletter
- f) Member's news bulletin

3.5 Twelve responses were received ranging from statutory consultees, locally active organisations and individual residents. The majority of the responses were overall positive about the contents of the draft document, although there were suggestions for further improvements.

3.6 A schedule of the responses received, officer consideration and recommended changes to the draft SCI are set out in Appendix 1. This also identifies some minor changes, such as cross referencing and clarification.

#### **4.0 Responses – brief overview**

4.1 The following key matters were raised:

- a) Inclusive engagement;
- b) Duty to co-operate;
- c) Viability assessments, CIL & Section 106 - need for transparency;
- d) Neighbourhood forums – reference to specific forums by name and their policies;
- e) Consultation at pre-application stage – to involve statutory bodies and neighbourhood forums;
- f) Consultation on planning applications – need for the Council to support community in commenting; and
- g) Feedback and monitoring following consultation

#### **Inclusive Engagement**

4.2 The importance of inclusive engagement and engaging with hard to reach groups was highlighted in consultation responses. This was an important factor in developing the SCI. Guidance was sought from the Head of Equalities to ensure the SCI promotes the use of new and creative consultation methods to ensure all groups, including protected groups under the Equality Act 2010 and socio-economic groups, are engaged. Consultation materials will use visuals, be clear, concise and avoid technical language as far as possible. The SCI specifies accessible locations will be used, hard to

reach groups targeted, and documents will be available in Brent libraries as well as online at no cost.

### **Duty to Co-operate**

- 4.3 The Clinical Commissioning Group commented reference should be made to the duty to co-operate introduced under the Localism Act 2011. This introduced a legal duty on local planning authorities to engage constructively, and on an ongoing basis on strategic cross borough issues. It is agreed that the SCI is a document which supports the Council in meeting this duty, and accordingly reference has been added.

### **Viability assessments, CIL & Section 106**

- 4.4 One resident commented the Council should operate an open book policy relating to any pre-application advice provided to developers, and public bodies and on negotiations around viability of schemes. The Council is considering its approach regarding making viability assessments publicly available. Subject to approval, this would be taken forward through changes to the validation checklist, which sets out the documentation required for a planning application to be validated. Therefore no changes have been made to the SCI in this regard.
- 4.5 A number of statutory bodies stated they wished to be engaged in determining the allocation of CIL and Section 106. The allocation of CIL/Section 106 is outside the scope of the SCI therefore no change has been made in this regard. However, comments have been shared with the Principal Development Funds Officer.

### **Neighbourhood Forums**

- 4.6 Concerns were raised that the SCI does not specify clearly the responsibilities of forums, and does not reiterate existing neighbourhood plan policies. Chapter 4 of the SCI sets out responsibilities of the Council and neighbourhood forums in undertaking public consultation. Guidance on roles and responsibilities within neighbourhood planning more generally is set out on the Council's website [www.brent.gov.uk/neighbourhoodplanning](http://www.brent.gov.uk/neighbourhoodplanning), which is cross-referenced in the document. The SCI does not create new planning policy, as such it does not repeat existing Local Plan policy, including those in neighbourhood plans.
- 4.7 In addition, it was commented Brent's existing forums should be listed by name. Neighbourhood Forums are not listed by name as this is subject to continual change, however, cross-reference has been added to the Council's website which provides an up-to-date list of forums.

### **Consultation at Pre-application Stage**

- 4.8 It was commented that the community need to be protected from poor consultation by developers. The Environment Agency, Sudbury Town Neighbourhood Forum, Network Rail and the Clinical Commissioning Group stated their wish to be engaged at pre-application stage.
- 4.9 Table 2 of the SCI sets out a recommended approach to pre-application

engagement for developers to follow. This seeks to promote best practice. In addition, it highlights that the developer will be expected to demonstrate how the community has been involved in the formulation of the proposal. For the avoidance of doubt clarification has been added to this table. It now states that neighbourhood forums are one of the local interest groups developers should seek to engage with. It also states that on major development, statutory bodies should be engaged.

### **Consultation on Planning Applications**

- 4.10 Wembley National Stadium request they are notified and consulted on all major planning applications in the Wembley Stadium area. This is the current approach and comments have been noted by officers in Development Management. The SCI does not seek to set out detailed requirements for the consultation of all specific and general consultation bodies, nor would it be practical to do so. Therefore no change has been made to the SCI in this regard.
- 4.11 It was commented the Council should assist the community in responding to planning applications. The SCI includes guidance as to how to comment on a planning application. The planning pages on the website also set out some guidance on how to comment on an application, and gives general advice as to what are relevant planning considerations' to be taken into account, and what are not. As Local Planning Authority the Council must remain neutral in determining planning applications, it would therefore not be appropriate for the Council to provide detailed advice on commenting on specific applications.
- 4.12 Examples were given where it was felt the views of residents were not considered in determining a planning application. The planning process seeks to balance the rights of applicants to develop or use their land as they wish, with the rights of neighbours to continue to enjoy the use of theirs. It also has to consider the wider public good, government guidance and planning policies. It should be noted an application may not be refused simply because many people are opposed to it. The SCI assists residents and businesses in responding to applications by providing guidance on what constitutes a planning matter.

### **Feedback and Monitoring**

- 4.13 It was commented the Council should assess and monitor the effectiveness of its strategies around community involvement, and set out how the Council will incorporate the views of the community having consulted them.
- 4.14 In the case of policy documents, comments received and the Council response are set out in detail in a consultation statement, and a summary included in the Cabinet report. In the case of planning applications this is set out in the officer's report. Both documents are made publicly available. This is set out in the SCI, however, for clarification an additional paragraph has been added to the introduction of the SCI on feedback and monitoring.

### **Conclusions**

- 4.15 The feedback on the SCI has generally been positive. In response to comments a number of points in the document have been further clarified.

- 4.16 On the basis of the consultation representations received, officer responses and recommended changes, the proposed revised SCI 2017 is set out in Appendix 2 and recommended to Cabinet for adoption. It is also recommended that the now superseded, existing SCI 2006 is revoked by Cabinet.

## **5.0 Financial Implications**

- 5.1 The cost of adopting the SCI (staff time, printing costs etc.) will be met from existing planning policy budgets.

## **6.0 Legal Implications**

- 6.1 Local Planning Authorities must produce a Statement of Community Involvement under the Planning and Compulsory Purchase Act 2004 (as amended).
- 6.2 The SCI is in conformity with The Town and Country Planning (Development Management Procedure) Order 2015 which establishes requirements for consultation on planning applications, and the Town and Country Planning (Local Planning) (England) Regulations 2012 which set out minimum standards for community engagement in the development of planning policy. In addition, the Localism Act 2011 introduced a legal duty on local planning authorities to engage constructively, and on an ongoing basis on strategic cross borough issues, and to support neighbourhood forums wishing to take forward neighbourhood plans.

## **7.0 Diversity Implications**

- 7.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have “due regard” to the need to:
1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
  3. Foster good relations between people who share a protected characteristic and those who do not.
- 7.2 An Equalities Impact Assessment screening opinion has been undertaken which identified the SCI is consistent with the Council’s duties under the Act, and did not identify a disproportionate impact on any equality groups.

## **8.0 Staffing/Accommodation Implications (if appropriate)**

- 8.1 None arising specifically from the draft SCI.

**Background Papers**

Brent Statement of Community Involvement 2006

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