

Item No. 15.	Classification: Open	Date: 30 April 2019	Meeting Name: Cabinet
Report title:		Development Consultation Charter	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Johnson Situ, Growth, Development and Planning	

FOREWORD – COUNCILLOR JOHNSON SITU, CABINET MEMBER FOR GROWTH, DEVELOPMENT AND PLANNING

Southwark is a vibrant place to live, with record levels of employment, award winning libraries, new theatres and high attaining schools. Our vision to deliver a fairer future for all has been in part delivered through regeneration across the borough which has brought new opportunities.

The council also recognises and is clear that regeneration is not just about changes to the buildings and environment around us but improving the lives of people who live and work in the borough. To ensure we build on successes it is important that everyone has a voice and is able to influence change and our approach to the way investment takes place in the borough.

This Charter has been developed following our most wide-ranging engagement programme. The Southwark Conversation reached over 3000 residents across the borough and covered residents' views on change and the impact of new developments. Amongst the findings were the observations that whilst in many cases communities were consulted on new schemes by the developer, often the quality and depth of engagement varied depending on the scheme.

The Development Consultation Charter will for the first time set a Southwark standard for engagement, in which we expect all schemes to deliver on. The Charter also reflects our work to develop the Council's community engagement principles. This will inform all future consultation guidance and consultation activities that the council conducts.

The Development Consultation Charter is our promise to deliver 'Regeneration that works for all'. This charter forms part of the Statement of Community Involvement (SCI). The SCI is a legal requirement and the requirement for the submission of an engagement plan at pre-application stage and an engagement summary at the planning application stage will be added to the validation checklist.

RECOMMENDATIONS

That Cabinet:

1. Agree the draft Development Consultation Charter at Appendix A for public consultation from May 2019-September 2019.

2. Agree the draft Development Consultation Charter will be used in validation of planning applications.

BACKGROUND INFORMATION

Background to the Development Consultation Charter

3. Southwark Council recognises regeneration is not just about changes to the buildings and environment around us but improving the lives of people in the borough. It is important that everyone has a voice and is able to influence change and our approach to the way we invest in the borough.
4. The Development Consultation Charter is our promise to you to deliver 'Regeneration that works for all'.
5. The Development Consultation Charter ('the charter') is a guide setting out the consultation requirements to be carried out by developers for proposed development. This will ensure developers provide detailed, online information setting out how they have undertaken public consultation relative to the scale and nature of the proposed development.
6. The charter introduces a process for developers to involve stakeholders including residents, businesses and community groups involved in the planning process at an early stage and then throughout the planning process to ensure the developers show how the local community have influenced development.
7. The charter will be part of the Statement of Community Involvement. The requirement for the submission of an engagement plan at pre-application stage and an engagement summary at the planning application stage will be added to the validation checklist so developers are clear that we expect their pre-application and planning application checklists for validation.
8. The commitment within the Council Plan 2018/19-2021/22 under a Fairer Future – a Place to Belong states: *'Introduce ballots on any new estate regeneration and a Consultation Charter to ensure local residents can hold private sector developers to account'*. The charter is carrying out the second part of this commitment.
9. Following a review of all London boroughs, none of them have a standalone specific development consultation charter. A number of these boroughs include their pre-application consultation suggestions as part of the development management chapter of their Statements of Community Involvement. London Borough of Hackney has a separate document named 'Community Consultation Requirements for Major Applications' (2010).
10. The most detailed level of recommended consultation at the pre-application stage is provided by Ealing and Brent with clear definitions of developments based on scale and nature. Ealing also requires the submission of a Consultation and Involvement Statement with the planning application.
11. Within the Statements of Community Involvement reviewed, Planning Performance Agreements are commonly pointed to as a tool to provide a framework for community involvement pre-application stage.

KEY ISSUES FOR CONSIDERATION

The charter

12. The initial draft charter is attached at **Appendix A** and will be subject to testing over the summer (as set out at Paragraphs 21-22 below).
13. It provides a checklist for the minimum amount of consultation to be undertaken by developers depending on the scale and nature of the proposed development.
14. The charter only applies to major and strategic schemes as follows:
 - Major – 10-49 residential units, 1,000-3,499sqm commercial floorspace.
 - Strategic (lower range) – 50-199 residential units, 3,500-10,000sqm commercial floorspace.
 - Strategic (higher range) – 200+ residential units, over 10, 000sqm commercial floorspace.
15. Consultation requirements for smaller schemes, less than 10 units and less than 1,000sqm of commercial floorspace will be set out in the Statement of Community Involvement.
16. The charter will ensure developers show how they take accountability with templates posted online for consultation with the public at every stage of the planning application process, from pre-planning through to construction on site.
17. At the pre-application stage, developers will be expected to present to officers what public consultation they have undertaken to date and what else they are planning to carry out prior to submission of the planning application and during the planning application. An engagement plan should be submitted as set out at **Appendix A**. This will need to be agreed with the case officer.
18. They will also have the duty of reporting the consultation process and outcomes within the planning application through the submission of the engagement summary. This will have to follow the structure of the template provided (**Appendix A**). This information can then easily be inserted into officer and committee reports so members of the public and committee members can easily understand how the local community has shaped the development proposal, the main objections and concerns of the proposal and how they have been addressed.
19. At post-application stage, when the development construction is starting on site, engagement is required with the public as set out in the charter. This is important to ensure the local community is informed of the construction process, they know who to contact if there are any concerns / queries and the timeframe for particular works and how long they will last.
20. The charter will be 'designed up' to be a more user-friendly document.

Statement of Community Involvement

21. As set out above, the charter will form an appendix to the updated Statement of Community Involvement (SCI). The SCI is to be updated and the draft SCI is expected

to go to cabinet in Autumn 2019 and will also go through public consultation. It will explain how we will engage local communities and other interested parties in producing our Local Plan and determining planning applications.

22. Information relevant to the charter and contained within the SCI may include:
- Who to engage
 - List of consultees
 - Benefits of public consultation
 - Recommendations for carrying out public consultation
 - Other ways to engage
 - Consultation materials
 - Equalities considerations
 - Details of the Charter of Principles which sets out requirements of the council in direct delivery schemes
 - Development management policies which address some site specific considerations.

Community engagement principles

23. Work is currently being undertaken with local communities on updating the council's community engagement principles. This will inform all future consultation guidance and consultation activities that the council conducts. The community engagement principles are going to Cabinet in April 2019 and the strategy is expected to go to cabinet in September 2019.
24. The principles are going to be developed over the summer through consultation. This will include testing of the initial draft charter and templates. We will also consider a template for the post-application stage, this could be developed as part of the testing. Once the testing has taken place we will take them back to cabinet with the Statement of Community Involvement.

SCI and charter workshop

25. A workshop was undertaken with members of the public on 25 March 2019 to discuss the Statement of Community Involvement and the charter to obtain feedback from members of the public on how we and developers should consult.
26. This invitation was sent to the My Southwark mailing list which includes over 10,000 email addresses. 148 people signed up to the event and over 90 people attended (76 of whom signed the attendance sheet).
27. **Appendix B** sets out the feedback received specifically relating to the charter and also general consultation comments. **Appendix C** illustrates the agenda of the workshop.

TIME FRAME FOR THE DEVELOPMENT CONSULTATION CHARTER

28. The Development Consultation Charter time table is as follows:

Stage	Date
Cabinet	April 2019
Public consultation	May-September 2019
Testing of the charter	May-September 2019
Cabinet to report consultation outcomes / final Development Consultation Charter	Autumn 2019

29. Following cabinet in April 2019, we will consult on the charter alongside development of the community engagement principles until Autumn 2019.

Community impact statement/equalities impact statement

30. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities (including the Council to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act

- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
31. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
32. The purpose of the charter is to ensure local communities are engaged from an early stage in the planning application process to ensure they have an opportunity to shape development coming forward in the borough. An Equalities Statement will be produced to accompany the final version of the charter.
33. The introduction of the charter will give those persons who have a protected characteristic under the Equalities Act with more of a say in proposed developments in the borough. The engagement plan and engagement summary will have to

demonstrate how those people with a protected characteristic have been considered within the proposed development.

Financial implications

34. There are no immediate resource implications arising from this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

35. At this stage, there are no specific legal issues for cabinet as the Charter is being submitted for consultation. As explained in paragraph 19 of the report, the Charter will ultimately be an appendix to the revised Statement of Community Involvement that will be considered by cabinet later this year.
36. There has already been and will continue to be wide consultation. An Equalities Statement will be submitted with the final version of the Charter and, as reported at paragraph 30, it is expected that its introduction will provide those persons with a protected characteristic with more opportunity to contribute to the discussion concerning schemes being proposed.
37. Cabinet Members should note that when the SCI and the Charter are confirmed later in the year, they will give rise to a legitimate expectation as to the procedural standards for any consultation. Accordingly, whilst there may not be a statutory duty of consultation, residents may well be able to rely upon the promise of consultation set out in the SCI and the Charter.

Strategic Director of Finance and Governance (FC18/044)

38. The strategic director of finance and governance notes that there are no immediate financial implications arising from this report.
39. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Plan 2018/19-2021/22	https://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan	planningpolicy@southwark.gov.uk
Statement of Community Involvement (2008)	http://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/consultation-and-updates/statement-of-community-involvement	planningpolicy@southwark.gov.uk

APPENDICES

No.	Title
Appendix A	Draft Development Consultation Charter
Appendix B	Feedback on the draft charter and general comments
Appendix C	Workshop agenda

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Emma-Lisa Shiells, Planning Policy Officer	
Version	Final	
Dated	15 April 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
	Comments Sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		15 April 2019