

Item No. 10.	Classification: Open	Date: 7 December 2021	Meeting Name: Cabinet
Report title:		Statement of Community Involvement and Development Consultation Charter	
Ward(s) or groups affected:		Borough wide	
Director:		Director of Planning and Growth	
Cabinet Member:		Councillor Helen Dennis, Climate Emergency and Sustainable Development	

FOREWORD – COUNCILLOR HELEN DENNIS, CABINET MEMBER FOR THE CLIMATE EMERGENCY AND SUSTAINABLE DEVELOPMENT

Planning can feel like an incredibly complex and technical process, and yet it is everyone's business. How we use our land in Southwark can have a huge impact on our other goals – to promote jobs, provide new affordable homes, develop new parks, protect our historical assets, and to tackle climate change. So in this updated Statement of Community Involvement (SCI), we have tried to clearly describe the different ways in which individuals and communities can play their part in shaping the built environment and the vision around their neighbourhoods, from the local plan process to commenting on individual applications.

The SCI sets out what our residents should expect from consultation, and the associated Development Consultation Charter, goes into much greater detail in relation to major and strategic schemes, as well as the council's own projects. In this final version of the Development Consultation Charter, we have sought to respond to the Council's Climate Emergency declaration, and we have also proposed the submission of a Social Value Statement as part of an Engagement Summary, that is required when a planning application is submitted. Underpinning all of this, is an improved digital planning service that aims to make things easier and accessible for everyone engaging with the council's planning department, whether you're trying to make an application or find out information about S106 contributions or affordable housing monitoring.

It is my hope that more people from a diverse range of backgrounds will feel enabled to participate in our planning discussions and processes going forward, actively bringing their ideas and experiences to the table to shape the environment in which they live and work.

RECOMMENDATIONS

That Cabinet:

1. Agrees the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC) 2021 at Appendix A and Appendix B for public consultation for eight weeks from 14 December 2021 to 7 February 2022.
2. Notes the Consultation Report at Appendix C from consultation carried out in early 2020.
3. Notes the supporting documents to the Statement of Community Involvement and the Development Consultation Charter comprising the Consultation Plan at Appendix D and the Equalities Impact Assessment at Appendix E.
4. Delegates authority to the Director of Planning and Growth to finalise the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC) in response to the consultation.
5. Notes that a further report will be brought to Cabinet recommending adoption of the final versions of the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC).

BACKGROUND INFORMATION

Background to the Statement of Community Involvement and Development Consultation Charter

6. Section 18(1) of the Planning and Compulsory Purchase Act 2004 requires all local authorities to produce a Statement of Community Involvement (SCI). The SCI is a document which sets out how the council will ensure that local communities, businesses and other stakeholders can be involved in local planning decisions and help to shape the places where they live. This includes the preparation of the Local Plan and policy documents, as well as the process for making decisions on planning applications. The purpose of the SCI is to give people better access to the planning process.
7. The Development Consultation Charter (DCC) forms part of the Statement of Community Involvement. The DCC sets out how our community can expect to be consulted by developers through the three stages of the planning process:
 - Stage 1: Best practice before a planning application is submitted
 - Stage 2: Required steps with the submission of a planning application
 - Stage 3: Best practice after a planning application has been approved

8. This SCI replaces Southwark's previous SCI from 2008. Parts of the council's decision-making process as set out in the SCI has since been superseded by the council's constitution. This includes decisions on planning applications, release of Section 106 funds and designation of conservation areas determined at planning committee and planning sub-committees.
9. The SCI sits alongside the council's Approach to Community Engagement to be clearer on how consultation takes place and to consider the increasing use of technology as a method of engagement.

Consultation undertaken on the SCI

Consultation in 2020

10. The SCI was formally consulted on between 18 January 2020 and 15 May 2020. Due to restrictions put in place relating to COVID-19 the consultation period was extended beyond the original closing date of 8 April 2020 to allow people more time to comment on the SCI.
11. It was considered that this extension may allow for more time to complete the objectives set out in the Engagement Plan. However, it became clear that it would not be possible to carry out all of the events set out in the Engagement Plan owing to ongoing restrictions. The consultation ended on May 15 2020.
12. The SCI Engagement Plan set out a series of actions and groups of people to engage with, with a particular emphasis on engaging with people who do not usually get involved with planning and reaching different groups of people from our diverse communities. These include older people, younger people, the LGBTQ community, faith groups, developers and also those already engaged in planning.
13. To achieve this, the Council collaborated with community groups such as the Regeneration for All Liaison Group to combine resources and reach as many people as possible. The Council has also engaged with the Forum for Equality and Human Rights in Southwark (FEHRS) where representatives at the meeting were asked to let members of their respective community groups know about the consultation. Council officers also attended meetings with community groups and forums to engage with people from diverse backgrounds.
14. Events were formatted and structured differently depending on the target audience. For example, council officers attended coffee mornings/resident meetings to engage with older people living in Sheltered Housing Units (SHU). The Faith Workshops are intended as an introduction to planning as many of these communities have not yet engaged with planning.

15. Some of the events planned needed to be cancelled due to the COVID-19 pandemic and first lockdown in March 2020.
16. The SCI was advertised through Southwark Council's social media with a Twitter update released regularly. Those signed up to MySouthwark (over 16,000 people) also received regular reminders of the consultation. The Planning Department also intended to use a larger council mailing list to promote the SCI after the consultation was extended to 30 April 2020. However, this was not possible as the council's priority at that time was to use publicity to keep residents updated on the situation relating to COVID-19.
17. Council officers participated in leaflet drops in areas where there is a lot of regeneration and development happening such as Old Kent Road. Posters were also put in libraries and leaflets have been put in local businesses and faith centres in the Old Kent Road Opportunity Area. An online survey was published on the Consultation Hub to reach those who would not attend one of the consultation events. A link to this survey was sent to MySouthwark users and was in Twitter posts.
18. The Consultation Report at Appendix C provides further detail on the public consultation that has been carried out to date, a summary of the consultation responses received, as well as an officer response.
19. Despite regular updates on the council's Twitter page and reminders sent out via MySouthwark, the response rate to the Consultation Hub or responses received via email remained low. We received 14 written emails regarding the consultation and 25 responses to the online survey.

Consultation in 2019

20. The council held Planning Workshops on the SCI and Development Consultation Charter on 25 March 2019 (76 attendees) and 1 August 2019 (85 attendees). These events focused on how the public would like to be engaged on planning matters and the feedback received helped to shape the current draft of the SCI. However, it was noted that most those who attended the workshops were already engaged and active in planning.
21. At these events, members of the community highlighted changes that needed to be made to the SCI and the DCC and emphasised key areas of the planning process that needs to be improved, particularly in relation to consultation.
22. The Consultation Report at Appendix C provides a summary consultation responses received.
23. Throughout preparation of the SCI and DCC discussions have been held with council officers to consider how to improve the way the council engages with the public throughout the planning process and how to ensure the DCC is implemented effectively.

24. The SCI and DCC have been amended to take on board the comments received during consultation and also to include information on how consultation will take place when face-to-face engagement is not possible.

KEY ISSUES FOR CONSIDERATION

Statement of Community Involvement

25. The SCI is an important planning document that defines how and when local residents, community groups and stakeholders can be involved in the planning process; both when new planning policy documents are prepared or when consultation is carried out on planning applications for new development.
26. The SCI sets out our commitment to engage the community across all planning issues. The statement outlines consultation methods throughout the plan-making process as well as when dealing with planning applications. It also highlights the Council's digital strategy in relation to planning and how the SCI will be monitored.
27. The SCI clearly sets out the consultation process on planning policy documents, highlighting the stages of consultation, length of consultation and the decision making level at each stage of plan-making.
28. The SCI includes a new section on neighbourhood planning, which includes:
 - The process for designating a neighbourhood area and forum
 - The process for preparing a neighbourhood plan and neighbourhood development order.
29. This will supersede the Individual Decision Maker (IDM) report on Neighbourhood Planning – Council Decision Making 2015.
30. The SCI clearly sets out the different types of planning applications and how they will be publicised. It also sets out the stages at which it is possible for the public to get involved and provide consultation responses.

Amendments to the SCI

31. Following feedback from the public consultation amendments have been made to the SCI. The feedback is set out in detail within the Consultation Report at Appendix C. Some of the consultation responses raised the following:
 - The SCI is a positive and ambitious document
 - The SCI and DCC need to be simplified and clearer to understand
 - The intentions of the documents are good but they need to be followed up with actions
 - It is important that the council does not fall into a digital only approach

- Equalities duty should be key
- The council needs to show clearly how public consultation has resulted in changes within policy documents

32. The main amendments to the SCI and the DCC since the version consulted on in January 2020 are set out below. Some of these seek to address the feedback provided during the consultation:

- A 'plain English' rewrite to remove jargon and improve readability
- Change in the layout to improve readability of the SCI
- Inclusion of an overview/executive summary of the SCI
- Clearer diagrams to illustrate the consultation process and level of decision making
- Amendment to the consultation period for planning policy documents – 12 week period for the initial consultation (Regulation 18 or SPDs), 8 week consultation period if a re-consultation is required at Regulation 18 or SPDs, 6 week consultation period for the subsequent consultation period (s) (Regulation 19) and 6 week consultation period if a re-consultation is required at Regulation 19. The latter consultation period is shorter because the Regulation 19 version of development plan documents is the version required to be submitted to the Secretary of State for Examination following any changes required as a result of consultation. The evidence base prepared alongside the plan needs to remain as up to date as possible for the subsequent Examination. Delays at Regulation 19 stage may result in delays in plans being adopted. The Town and Country Planning (Local Planning) (England) Regulations 2012). and the Procedure Guide for Local Plan Examinations (2021) require consultation to take place for a minimum of 6 weeks. In preparing the recent main modifications consultation for the New Southwark Plan, the Inspectors set the timetable for consultation (6 weeks + 1 week to take into account summer holidays).
- Amendments to the planning applications section to ensure all planning application types are included and are set out clearly
- Updated the equalities sections to consider Southwark Stands Together
- Updated the digital section to include a full list of digital planning projects
- Added a glossary on key terms in the SCI to ensure terms are clearly defined
- Amendments to the validation requirements within the DCC for pre-application, planning application and post application stages to ensure they are achievable. These include an Engagement Plan, Engagement Summary (including a statement of social value) and an Equalities Impact Assessment.
- Requirement added that developers need to reconsult during the planning application process if a period of six months passes since the application was submitted

33. In addition to the above, the SCI now includes alternatives to consultation when face-to-face engagement is not possible. This was added as a result of the Covid-19 pandemic where consultation methods have changed and it is important that residents are aware of type of consultation they can expect in exceptional circumstances.
34. MySouthwark is currently the primary medium through which consultation events are advertised. This is the primary way we provide information to the public on planning consultation events. Members of the public can sign up and opt-in and choose which topics or areas they would like to get information on. This is clearly signposted within the SCI to encourage members of the public to sign up.
35. Members of the public can sign up to a database that will send them a list of applications every week so that they can stay up to date with what is happening in their area. This will help to achieve the Council's engagement principles of providing information at the earliest possible stage to allow for meaningful engagement. This is clearly signposted within the SCI to encourage members of the public to sign up.
36. The Council will provide consultation reports after all stages of plan-making consultation in an easy to read way through a 'You Said/We Did' format that is accessible to the members of the community with different needs as set out within the SCI. To ensure developers take account for consultation responses received to their planning applications, further detail has been added to the DCC to require developers to provide more detail in the Engagement Summary on how they have listened to consultation and how, if necessary, they are changing the scheme as a result (you said/we did format).

Development Consultation Charter (DCC)

37. The DCC sets out how members of the community can expect to be consulted by applicants/developers at different stages of the planning application and depending on the scale of development. This includes minor council-own applications, with the exception of hidden homes (this could include new homes created from unused or underused space within existing estates), major applications and strategic applications. The scope of the DCC has been extended to include all council led development that proposes any new home. This will ensure that we are carrying out our Public Sector Equalities Duty.
38. The DCC sets out the requirement for the pre-application stage to include the submission of a pre-submission engagement plan for each stage of consultation. At planning application stage, an application needs to be supported by an Engagement Summary setting out the consultation undertaken through the pre-submission process including how the developer has responded to the comments received through a 'you said, we did' format. The Engagement Summary must also include a Social Value Statement that describes the economic, social and environmental

impacts of the development and how the development will contribute to the long-term wellbeing and resilience of existing and future residents and businesses. An Engagement Plan will also be required, setting out further engagement to be carried through the planning application process. Templates have been prepared for the pre-submission engagement plan and the engagement summary for developers to complete. This will enable us to monitor the information we receive. An Equalities Impact Assessment will also be a validation requirement for developers.

39. The DCC now includes alternatives to face-to-face engagement in exceptional circumstances. The consultation requirements have also been amended to ensure the requirements are reasonable and achievable.

Consultation to be undertaken

40. Consultation on the SCI and DCC will last for 8 weeks from 14 December 2021 to 7 February 2022. The documents will be available to view in advance of the consultation period from 30 November 2021 or when Cabinet documents are published. They will be available on the website.
41. There is no statutory requirement to consult on the SCI. However, in order to write a SCI that responds to the needs of our local community and to continue to improve the way that we consult throughout the planning process we have carried out extensive consultation and have updated the SCI and DCC to undertake further consultation.
42. The Consultation Plan at Appendix D sets out how consultation will be carried out. We will work with our community and voluntary sector partners and focus on our strengths to undertake effective engagement. We understand the reach the community and voluntary sector have into the community to help encourage and promote the consultation.
43. Because of restrictions relating to COVID-19, this consultation will take place mostly online.
44. We have previously written to many community groups and all Tenants and Residents Associations in Southwark to make them aware of how to sign up to receive email updates on planning policy consultations through MySouthwark. We will continue to encourage new groups to join the mailing list and publicise consultations through our website and where possible through council newsletters, council meetings (where appropriate) and social media. When the SCI consultation opens, local groups are welcome to invite us to join their meetings to discuss the consultation.
45. We will engage with our partner organisations, including Community Southwark and the Forum for Equalities and Human Rights in Southwark (FEHRS) who have good connections with many community groups in Southwark.

46. Local ward Councillors and a community champion in each multi-ward areas of Southwark as part of the Empowering Communities programme have regular meetings where neighbourhood issues can be discussed and residents can voice their concerns. All ward Councillors will be notified of the consultation, and will make announcements at these meetings if they are taking place throughout the consultation period. An announcement will also be made at planning committee about the consultation.
47. We welcome opportunities that the voluntary and community sector groups may take to facilitate engagement using community platforms.
48. Inclusive engagement must be maintained while engaging remotely. Allowing for a mix of voices and perspectives remains important to engagement. To ensure that those who do not have access to the internet can engage with the consultation we will hold phone call and online sessions. Because the council is currently operating a gradual return to the office which means that there is limited in-person staff availability, phone and online methods of communication are the preferred option.
49. We will ensure that the presentations and materials used throughout any consultation event are accessible to all. We will aim to use visuals, graphics and flow charts wherever possible to ensure that the material is as easy to understand as possible.

Next Steps

50. Following this consultation, we will amend the SCI and DCC as required once we have received and considered the consultation responses. Following which, the SCI and DCC will be adopted later in 2022.

Stage	Timeframe
Cabinet to approve for consultation	December 2021
Formal consultation	December 2021 – February 2022
Review consultation responses and prepare final SCI and DCC	Spring – Summer 2022
Adopt SCI and DCC	Autumn 2022

Community Equalities (including socio-economic) and health impacts

Community Impact Statement/Equalities (including socio-economic) Impact Statement

51. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due regard to the need to eliminate

unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not.

52. The SCI and engagement on the SCI are intended to be inclusive and accessible. Planning has a key role to play in supporting the council to promote equality and value diversity. We want to involve as many people as possible from as many communities as possible in the planning process. This aligns with our Public Sector Equality Duty.
53. The Human Rights Act 1998 imposed a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the council must not act in a way which is incompatible with these rights. The SCI to which this report refers is not considered to be contrary to the Act.
54. Assessing equalities impacts and promoting equality is central to SCI and DCC, as set out in the Equalities section of the SCI and the DCC, as well as the requirement for a proportionate equalities assessment and for developers to work with the Council to meet the Public Sector Equalities Duty.
55. The SCI and our additional work on consultation and engagement support the wider objectives of Southwark Stands Together, a council-wide, long-term programme of positive action, education and initiatives working with staff and the community to tackle racism, injustice and inequalities as recognised within the SCI.
56. The SCI and DCC are supported by an Equalities Impact Statement which assesses the impact of the SCI and DCC on people with protected characteristics in our community. It identifies where there will be positive or negative impacts. It also identifies mitigating actions to be taken where necessary.
57. The SCI confirms that an Integrated Impact Assessment will support the preparation of Development Plan Documents assessing the sustainability, equality and health impacts of the Development Plan Document.
58. The DCC confirms that an Equalities Impact Assessment is a validation requirement at planning application stage for minor council-own applications, with the exception of hidden homes (this could include new homes created from unused or underused space within existing estates), major applications and strategic applications which should include evidence that the application has had due regard to the impacts on those with protected characteristics, and promoted equality.

Health impact statement

59. Planning has a key role to play in supporting the council to promote equality and value diversity, through addressing the wider determinants of

health inequalities, and creating inclusive places residents can be proud of.

60. The SCI and DCC are supported by an Equalities Impact Assessment (November 2021) which sets out potential health impacts, both positive and negative, of the SCI and DCC. Where necessary mitigating actions are identified.
61. The SCI confirms that an Integrated Impact Assessment will support the preparation of Development Plan Documents assessing the sustainability, equality and health impacts of the Development Plan Document.

Climate change implications

62. The council has declared a Climate Emergency with the ambition to reach carbon neutrality by 2030. Plan-making will involve preparation and implementation of planning policies to meet this ambition when implemented through development management processes. This is supported by Southwark's Climate Change Strategy which sets out Action Points to meet this target.
63. Planning applications will be required to meet the policy requirements in the Southwark Plan 2022. Climate change considerations for both mitigation and adaptation should be considered in all development as good practice. Major development should deliver carbon reductions on site in line with policy, and take steps to adapt new development to climate change with regard to biodiversity, green infrastructure and air quality.
64. Climate change is a major issue for local residents raised in consultation and applicants should be willing to meaningfully engage and address local resident's concerns through the consultation process.

Financial implications

65. There are no immediate financial implications arising from this report.
66. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

67. The Council, as local planning authority, is required to prepare a statement of community involvement (SCI) in accordance with section 18(1), Planning and Compulsory Purchase Act 2004. The law prescribes the matters that the SCI must contain, including a statement of the Council's policy for involving the public in the planning and plan making functions of the local planning authority. Section 18 was amended by the

Neighbourhood Planning Act 2017 to require an additional provision that the SCI must include policies for providing advice and assistance in relation to neighbourhood planning. The draft SCI complies with this legal duty.

68. The report confirms that the Council’s duty under S149 of the Equality Act 2010 (the Public Sector Equality Duty) has been considered and complied with in the preparation of the SCI and the draft Development Consultation Charter (DCC). The Public Sector Equality Duty is reflected in the policies that the SCI and DCC documents incorporate as planning is recognised as a key area in which the Council can pursue the objectives of eliminating discrimination and advancing equality of opportunity. In addition, the Human Rights Act 1998 has been considered and complied with.
69. Members and officers are reminded that the policies and procedures outlined in the SCI create a legitimate expectation and that it will be matter of procedural fairness and reasonableness on the part of the Council to adhere to the SCI in the absence of exceptional circumstances.

Strategic Director of Finance and Governance (CE21/056)

70. This report is requesting Cabinet to agree the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC) 2021 at Appendix A and Appendix B for public consultation for eight weeks from 14 December 2021 to 7 February 2022 and to delegate authority to the Director of Planning and Growth to finalise the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC) in response to the consultation and to note other recommendations in the report.
71. The strategic director of finance and governance notes that there are no immediate financial implications arising from this report.
72. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Planning and Compulsory Purchase Act 2004	Link (please copy and paste into browser): https://www.legislation.gov.uk/ukpga/2004/5/section/18	planningpolicy@southwark.gov.uk
IDM Report on Neighbourhood Planning – Council Decision Making 2015	Link (please copy and paste into browser): https://www.southwark.gov.uk/assets/attach/1653/DL-2015-	planningpolicy@southwark.gov.uk

Background Papers	Held At	Contact
	Neighbourhood Planning decision making process-report.pdf	

APPENDICES

No.	Title
Appendix A	Statement of Community Involvement
Appendix B	Development Consultation Charter
Appendix C	Consultation Report
Appendix D	Consultation Plan
Appendix E	Equalities Impact Assessment

AUDIT TRAIL

Cabinet Member	Councillor Helen Dennis, Climate Emergency and Sustainable Development	
Lead Officer	Juliet Seymour, Head of Policy, Building Control and the Historic Environment	
Report Author	Laura Hills, Planning Policy and Monitoring Innovation Manager	
Version	Final	
Dated	25 November 2021	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		25 November 2021