

<b>Item No.</b> 21.	<b>Classification:</b> Open	<b>Date:</b> 6 December 2022	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Adoption of Statement of Community Involvement (SCI) and Development Consultation Charter (DCC)	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor James McAsh, Cabinet Member for the Climate Emergency and Sustainable Development	

## **FOREWORD – COUNCILLOR JAMES MCASH, CABINET MEMBER FOR THE CLIMATE EMERGENCY AND SUSTAINABLE DEVELOPMENT**

Southwark is a place of fast-paced change. In just one generation, a neighbourhood can undergo a complete transformation. This change can bring vibrancy and excitement but only when residents are part of the process.

The Statement for Community Involvement (SCI) and Development Consultation Charter (DCC) set out clear standards for consultation and engagement. Written in plain English and publicly available, residents can use these documents to find out exactly what they can expect from the council and the developers.

- Who should be consulted?
- When should they be consulted?
- How should they be consulted?

When development is on the horizon, these are the questions that residents and community groups so often ask, and so justifiably. The Statement for Community Involvement and Development Consultation Charter provide the answers.

## **RECOMMENDATIONS**

1. That Cabinet approves and adopts the updated Statement of Community Involvement (SCI) at Appendix A to this report.
2. That Cabinet approves and adopts the Development Consultation Charter (DCC) at Appendix B to this report noting that it forms part of the Statement of Community Involvement.

## **BACKGROUND INFORMATION**

3. Both the Statement of Community Involvement (SCI) and the Development Consultation Charter were the subject of a report to [Cabinet on 7 December 2021](#). Cabinet approved the drafts for consultation, delegated authority to the Director of Planning and Growth to finalise the documents in response to the

consultation and noted that a further report would be brought to Cabinet recommending adoption of the final versions.

### **The Statement of Community Involvement**

4. 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 that 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.
5. The SCI is a statutory document that sets out our commitment to local residents and stakeholders about how we will consult and engage with the community throughout the planning process.

### **The Development Consultation Charter**

6. The Development Consultation Charter (DCC) forms part of the SCI and sets out standards of consultation for applicants who wish to develop in the borough. It introduces new requirements for applicants of major developments and council schemes to prove that they have undertaken sufficient engagement and consultation.
7. The new requirements are three documents that developers will need to provide at various stages throughout the planning process to demonstrate continued commitment to meaningful community engagement. The documents that are required are as follows:
  - a) **Early Engagement Strategy (Appendix C)** – this document will be a requirement for pre-application discussions. The purpose is to ensure that applicants are engaging with residents and local stakeholders from the outset of the development process. It consists of a Facts-based Audit of the site and outlining how the developer will approach engagement with the community before an application is submitted.
  - b) **Engagement Summary (Appendix D)** – this document will be a validation requirement for submitting a relevant planning application. The purpose is to provide an overview of the engagement that has taken place with local residents and stakeholders prior to submission of a planning application.
  - c) **Equalities Impact Assessment (Appendix E)** - Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the duty when making decisions and setting policies. As set out in the Development Consultation Charter (DCC), the Public Sector Equalities Duty (PSED) does not apply to developers. However, to be compliant with the DCC, we require developers to support the council in meeting and discharging this important duty. For developers, this means producing a proportionate Equalities Impact Assessment of the impacts of the development.

## Consultation

8. The SCI and DCC were then amended to take on board the comments made during this initial round of consultation, with particular emphasis on our approach to consultation during exceptional circumstances like the COVID-19 pandemic.
9. The second round of consultation on the Statement of Community Involvement (SCI) and Development Consultation Charter (DCC) began in December 2021 and closed at the end of March 2022.
10. The SCI Consultation Plan approved by Cabinet on 7 December 2021 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.
11. For further information on our consultation process, please see the consultation report attached as Appendix F.

## Feedback from Consultation (December 2021 to March 2022)

12. There were three key themes that influenced the changes made to the SCI and DCC post consultation:
  - d) **Improving accessibility and transparency** – comments suggested that the council needs to prioritise inclusivity and ensure that we are reaching as wide a range of people as possible. This includes more effective use of social media and robust offline measures of consultation such as use of posters and existing community groups.
  - e) **Simplifying language and formatting** – consultees often found the document difficult to read with overreliance on jargon and technical language. It was suggested that the document needs to be simplified into plain English where possible.
  - f) **Outlining clearly our processes and procedures** – particularly when considering the DCC, consultees suggested that we needed to outline our processes more clearly. Some consultees suggested the use of diagrams to aid understanding.
13. For a more detailed overview of the comments received from consultation, please refer to the consultation report attached as Appendix F.

## KEY ISSUES FOR CONSIDERATION

14. The tables below provide an overview of the key changes made to the SCI and the DCC based on the feedback received at consultation and the reason for this change.

Overview of Key Changes to the Statement of Community Involvement Post-Consultation

Page Reference	Summary of Change	Reason for Change
All	Reviewing and rewriting the language used to plain English where possible and remove unnecessary jargon.	Feedback from public consultation suggested that the language needs to be simplified and emphasis should be put into avoiding jargon.
All	Where technical language is used, providing a definition in the glossary and adding a link to the definition in the glossary so that readers can easily work out the meaning of key terms.	Feedback from public consultation suggested that language needs to be simplified, however where that is not possible we need to provide as much guidance as possible.
Page 6	The Digital Strategy and monitoring pages have been deleted and a summary of the work going on to improve engagement moved to the Executive Summary.	Feedback from public consultation suggested that the document needed to be more concise. The sections will link to our website for more information.
Pages 9 to 12	The Equality and Diversity section of the document outlines our commitment to ensuring that our consultation and engagement processes prioritise equality. It also outlines our Public Sector Equalities Duty.	<p>We received comments at public consultation that the SCI did not prioritise inclusivity and that we needed to outline our commitment to including those with protected characteristics more clearly.</p> <p>We commit to Equality and Diversity in the 'What is the Statement of Community Involvement?' and set out our intention to prioritise inclusivity from the outset and to highlight that equality is at the forefront of our activities as a planning service.</p>
Pages 16 to 17	The table outlining the notification requirements for each application type has been updated to improve clarity and align the requirements with the Town and Country	For clarity and to meet the current statutory requirements.

Page Reference	Summary of Change	Reason for Change
	Planning (Development Management Procedure) (England) Order (2015).	

### Overview of Key Changes to the Development Consultation Charter Post-Consultation

Page Reference	Summary of Change	Reason for Change
Page 3	<p>Introduces three stages of participation in the planning process:</p> <p>(1) Engage – engage with residents before a planning application is submitted to ensure they are able to influence and be included in the design of a scheme</p> <p>(2) Consult – provide opportunities for residents to feedback on the design and impact of a scheme throughout.</p> <p>(3) Inform – ensure regular contact with residents throughout the construction process until completion.</p> <p>This replaces the previous stages (1, 2 and 3).</p>	<p>We wanted to distinguish between engagement and consultation in the planning application process.</p> <p>This method of splitting out participation in the planning process also links to the methods of participation outlined in the spectrum of participation included in the SCI.</p>
Page 7	<p>We have introduced a new diagram that provides a timeline of participation in planning and the requirements for developers, planning officers and residents at each stage.</p>	<p>We received comments at consultation that suggested we should use more diagrams to explain our processes and procedures.</p>

Page Reference	Summary of Change	Reason for Change
Page 8	<p>We have renamed the Pre-Submission Engagement Plan as the Early Engagement Strategy (EES).</p> <p>We have introduced a 'Facts-based Audit' as part of the requirements of the EES.</p>	<p>There was confusion over the difference between a pre-submission engagement plan, engagement summary and engagement plan. Therefore, we renamed the documents to match the stages of participation outlined above.</p> <p>We received several comments at consultation about the need for a facts-based audit earlier in the development process so that we can ensure developers understand the spatial context of the site.</p>
Page 9	<p>We have moved the requirement for an engagement summary to follow the EES as a validation requirement when an application is submitted.</p>	<p>This was moved to follow the participation in planning process (outlined above) and to ensure that developers have undertaken sufficient engagement prior to submitting an application.</p> <p>Feedback from consultation suggested that participants often felt that developers only engage once an application has been submitted and the design has been finalised. By requiring evidence of engagement before an application is submitted, we can ensure that residents have a say in the design of a development from the outset.</p>

## Implementation Plan

15. We have produced an implementation plan to ensure that we achieve the key objective of the SCI and DCC: to improve participation in planning in Southwark.
16. The DCC introduces new requirements for officers and developers. We need to ensure that each party is aware of their responsibilities and is confident that the schemes they are proposing are meeting the standards of the Charter. To achieve this we have proposed a number of measures:

Proposed Action	Purpose	Timeline
Additional training for officers on the adopted SCI and DCC– including: (1) what should be included in each DCC document; (2) how to assess documents submitted; (3) committee report summaries 4) promoting equality when assessing applications	Officers have been implementing the draft DCC requirements over the last year since it has been on the validation checklist. We will ensure developers are meeting our expected standards of engagement at validation and assessment stages of planning applications.	December 2022
Templates for applicants	To give applicants clear guidance on the requirements of the documents and ensure that information submitted is to the level of detail we expect.	See attached appendices.
Review and monitor DCC submissions to ensure compliance	To ensure that the documents we are receiving from applicants are meeting the requirements outlined in the DCC. If documents are not meeting the desired standards, we will outline further guidance on our website.	Quarterly monitoring
Review Council communication strategy for planning services	To ensure that we are reaching out to communities that often feel excluded from the planning system. In particular, review our	2023

Proposed Action	Purpose	Timeline
	approach to social media as part of ongoing digital planning work stream.	
Digital version of the SCI and DCC embedded into the website.	To improve the accessibility of the documents and allow users to find key information easily.	January to March 2023

17. We also recognise that there is scope to improve our wider approach to community engagement beyond the limitations of the SCI and DCC. We will work alongside our colleagues in Community Engagement to prepare a review of the Council's approach to communicating planning.

## **COMMUNITY, EQUALITIES (INCLUDING SOCIO-ECONOMIC) AND HEALTH IMPACTS**

### **Community impact statement**

18. The implementation of the SCI and DCC will have a positive impact for the community. The SCI and DCC represent our commitment to ensuring better and increased involvement of local communities, businesses and other stakeholders in planning decisions, plan-making and the design of schemes. The planning decisions the council takes based on these improved processes have the potential to deliver wider equality benefits, improving the quality of homes and community buildings, reducing air pollution, improving health and creating good quality green jobs.

### **Equalities (including socio-economic) Impact statement**

19. In everything we do as a council, we seek to promote equality. The implementation of the SCI and DCC will have a positive impact for all, including those with protected characteristics.

### **Health impact statement**

20. N/A

### **Climate change implications**

21. Early assessment of climate and sustainability considerations that relate to development sites should embed positive responses within new development proposals.



## **Resource implications**

22. There will be a requirement for officers to review and monitor the SCI and the required documents set out in the DCC through the application process. This will be carried out using existing resources in the Planning and Growth division.

## **Legal implications**

23. See response from Director of Law and Governance.

## **Financial implications**

24. There are no immediate financial implications due to the implementation of the recommendations of this report.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance (MF)**

25. The Council, as local planning authority, is required to prepare a statement of community involvement (SCI) in accordance with section 18(1) of the 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. Current Planning Practice Guidance issued by the Government states that it is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement.
26. 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 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.
27. 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 (CE22/045)

28. This report is recommending the cabinet to approve the adoption of the Statement of Community Involvement that replaces the current SCI from 2008 and to approve the adoption of the Development Consultation Charter.
29. The strategic director of finance and governance notes that there are no new immediate financial implications arising from this report.
30. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

## APPENDICES

No.	Title
Appendix A	Statement of Community Involvement
Appendix B	Development Consultation Charter
Appendix C	Early Engagement Strategy Template
Appendix D	Engagement Summary Template
Appendix E	EQIA Template
Appendix F	Consultation Report
Appendix G	Equalities Impact Assessment

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
National Planning Policy Framework	<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf</a>	planningpolicy@southwark.gov.uk

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor James McAsh, Climate Emergency and Sustainable Development	
<b>Lead Officer</b>	Juliet Seymour, Head of Policy, Building Control and the Historic Environment	
<b>Report Author</b>	Emma Popham, Planning Policy Officer	
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<b>Dated</b>	24 November 2022	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Governance	Y	Y
Strategic Director of Finance and Governance	Y	Y
Cabinet Member	Y	Y
<b>Date final report sent to Constitutional Team</b>		24 November 2022