

## Executive Decision Report

<b>Decision maker and date of Leadership Team meeting or (in the case of individual Lead Member decisions) the earliest date the decision will be taken</b>	<p>Leadership Team 12 February 2020</p> <p>Forward Plan reference: 05529/19/K/A</p> <p>Portfolio: Cllr Johnny Thalassites, Lead Member for Planning and Transport</p>	 <p>THE ROYAL BOROUGH OF <b>KENSINGTON AND CHELSEA</b></p>
<b>Report title</b>	Adoption of Statement of Community Involvement	
<b>Reporting officer</b>	Sue Harris, Executive Director for Environment and Communities	
<b>Key decision</b>	Yes	
<b>Access to information classification</b>	Public	

## **1. EXECUTIVE SUMMARY**

- 1.1. Producing a Statement of Community Involvement (SCI) is a legislative requirement. It sets out how the Council engages on all aspects of the planning process with a range of stakeholders. The 2013 adopted SCI document (called 'Involving People in Planning' – IPIP) is out of date and needs updating.
- 1.2. The SCI is aligned with the Council Plan and new Council values regarding community engagement. It outlines the principles of engagement and specific procedures to engage with a broad spectrum of people and organisations on all planning matters and at different stages of the Planning process.
- 1.3. It is recommended that the Leadership Team adopt the SCI (Appendix 1) and revoke the 2013 IPIP document (Appendix 5). On adoption of the SCI the Council will ensure that all the consultation principles and techniques in the document, including innovative digital techniques, are used in the planning process.

## **2. RECOMMENDATIONS**

- 2.1. It is recommended that the Leadership Team adopt the SCI (Appendix 1) and revoke the 2013 IPIP document (Appendix 5).

## **3. REASONS FOR DECISION**

- 3.1. Under section 18 of the Planning and Compulsory Purchase Act 2004, there is a statutory requirement to prepare an SCI, and to keep it up to date. Since the last SCI titled IPIP was adopted in 2013, there have been several changes in Planning Legislation, Local Planning Policy, with the adoption of the Local Plan in September 2019, and Government Guidance. Furthermore, in 2019 the Council adopted a new Council Plan which has a strong commitment to community involvement. Therefore, it is now essential that the SCI is brought up to date and in-line with legislation and the Council Plan.
- 3.2. The adoption of the SCI will ensure that all the consultation principles and techniques in the document, including innovative digital techniques, are used in the planning process.
- 3.3. The recommendation to adopt follows consultation on a Draft SCI which ran for six weeks from Monday 30 September to Monday 11 November 2019 and included digital consultation through the platform Built-id. There was also a preliminary consultation which ran from March 2019 to May 2019. Further details of the consultation can be found below.

## **4. BACKGROUND**

- 4.1. The purpose of the SCI is to set out how residents and stakeholders can get involved in the planning process, which is an iterative process. It aims to make involvement in planning quicker, easier, more accessible and wider so that all our communities feel they have a voice in shaping our places and spaces.

- 4.2. The new SCI is aligned with the Council Plan and new values regarding community engagement. It outlines the principles of engagement and specific procedures to engage with a broad spectrum of people and organisations on all planning matters and at different stages of the Planning process.
- 4.3. Since the adoption of the last SCI in 2013, there have been updates to the National Planning Policy Framework (the last one in June 2019) and amendments to the Town and County Planning act (2019). The Local Plan and Council plan were both adopted 2019. The Council will also start working on the production of a new Local Plan in 2020.
- 4.4. There was a preliminary consultation on the Draft SCI which ran from March 2019 to May 2019. A formal consultation on the Draft SCI ran for six weeks from Monday 30 September to Monday 11 November 2019 and included digital consultation through the platform Built-id.
- 4.5. A summary of responses received through the consultation portal and the Council responses (including changes to the draft SCI) is shown in Appendix 3. Appendix 4 contains a table of comments received through the digital platform Built-id and the Council responses. Appendix 2 shows an analysis of the digital engagement and includes information about the number of visits to the project, questions answered, and polls results.

## **5. PROPOSAL AND ISSUES**

- 5.1. The main consideration is the requirement for the Council to have an up to date SCI. The Council has a duty to prepare an SCI under the Planning and Compulsory Purchase Act 2004 (section 18) and to review it at least every five years from its adoption date under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to ensure that the policies remain relevant and effectively address the needs of the local community.
- 5.2. Furthermore, the current SCI will not reflect changes in legislation (Neighbourhood Planning Act 2017) and commitments in the Council Plan and our new values. Given the legislative requirements and the commitments in the Council Plan there is a clear need to replace the existing IPIP document from 2013.

## **6. OPTIONS AND ANALYSIS**

- 6.1. Options would be to:
  - Adopt the SCI attached (Appendix 1), including the proposed changes to the Draft SCI which have been made following public consultation. Please note that the final SCI (Appendix 1) will be desktop published before being placed on-line following adoption.

- Adopt the SCI as attached in Appendix 1 with any further changes that the Leadership Team see fit.
- Not adopt SCI and continue to use the current SCI (IPIP) which has been in use since April 2013. However, this will not meet the revision requirements under the Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, nor will it reflect changes in legislation (Neighbourhood Planning Act 2017) and commitments in the Council Plan.

## **7. CONSULTATION AND COMMUNITY ENGAGEMENT**

7.1. The Draft SCI has evolved from on-going engagement with local residents and organisations to find out how we can improve planning consultations. The engagement has taken a number of forms, through meetings, email correspondence as well as attending other consultation events and short polls through the digital platform built-id which reached a large number of people. A pre-engagement leaflet was also created to inform and invite people to make comments.

### **Preliminary consultation**

- 7.2. A preliminary consultation on the draft SCI ran from March 2019 to May 2019. The table of responses is available on our [website](#).
- 7.3. Officers met with residents' associations as well as community groups in the North of the borough. The key issues that arose from the preliminary consultation were focused around the need for early engagement in planning policy consultations, issues around pre-application processes including transparency and early engagement. Some stakeholders said that the now discontinued Planning Bulletin was a useful source of information.

### **Formal consultation**

- 7.4. This consultation ran for six weeks from Monday 30 September to Monday 11 November 2019 and included digital consultation through the platform Built-id. The consultation was advertised as a direct mail out to the Planning Policy database (which includes about 2,500 residents' associations, individuals, planning agents, statutory consultees and other stakeholders. The SCI was also referred to and signposted via the governance consultation on the Charter for Public Participation (which ran from the 15 September to the 15 December 2019).
- 7.5. Furthermore, the consultation was publicised through the digital platform Built-id (see Appendices 2 and 4 for more details). This enables "geofencing" a given area, in this case the borough and using adverts on social media – Facebook, Instagram, Twitter and Google to invite users to participate in polls. In excess of 135,000 individuals were reached in this way. In addition, the Council invited residents

associations and planning agents to a focused meeting held at the town hall on the 7 November 2019. A total of 16 responses were received through the Council consultation portal or via email. However, about 250 individuals participated in the polls on Built-id.

### **Responses via email/planning consultation portal**

7.6. The 16 responses received were from 6 residents associations, one neighbourhood forum, a resident, a councillor, 2 statutory consultee bodies (the Environment Agency and Natural England) and other bodies: Transport for London, Thames Water, Canal and River Trust, Highways England and Port of London Authority) (see Appendix 3 for more details). There was general support for the SCI and recognition of the importance of early engagement throughout the Planning process. The main issues raised included:

- **Early community engagement at pre-application stage** - Following the scrutiny of the current planning advice service in [May](#) and [June](#) 2019, some recommendations were agreed which focused on early community engagement on development schemes. A number of new services are currently being trialled and developed and these will be shared with the community including residents associations and groups early this year ahead of rolling out the new service. The new planning advice service procedure note will explain how we will commit potential applicants to doing more engagement where possible prior to a formal application being received. This note will be discussed with residents and is currently being written.
- **Improving the information on the Council's website in respect of planning and engagement and reintroduction of the Planning Bulletin** - We are aware that there is a large amount of information on our webpages but this is not always easy to find or navigate. The Council has redesigned the website as part of a corporate programme. Planning and Place will continue to be involved to make sure the planning pages provide information that is easy to follow and useful to all of our residents. Signposting to MyRBKC has been added to the document and we are talking with the website team to improve the service provided. We will engage with the Council's Media and Communications team to reintroduce the Planning Bulletin on a monthly basis. We will also monitor the effectiveness of communicating through the Planning Bulletin and keep this under review as technologies change
- **Increasing the scope of notification of planning applications** - Statutory legislation sets out the minimum requirements for the publicity of planning applications. Our existing arrangements go beyond the minimum

requirements. We are considering different options for the types of notification such as using QR codes on site notices which will allow interested parties to use a mobile device to immediately access the application information on-line. We are also considering different ways application information can be shared on our website (see bullet 2 above) which would make it easier for residents to access and understand application documents.

- **Recognition of the importance of meaningful and early engagement in the Planning Policy preparation process and strong support for early engagement** - Stakeholders consider that early engagement is an opportunity for the Council to effectively utilise the rich wealth of knowledge and understanding of our existing residents, to ensure that the Council is able to draft plans that reflect their ambitions and desires. We have acknowledged this in our responses to their comments and the SCI commits us to this.
- **Clarity on how the public can be involved in the plan making process** - The SCI is already explicit regarding both the importance and the methods by which the public can be properly involved in each stage of the Plan-making process. We have included a clarification regarding the hierarchy of documents National Planning Policy Framework, the London Plan and Local Plan and we have added a glossary of terms which should provide further information.
- **Concerns that digital engagement through social media would replace the traditional engagement** - We clarify that digital engagement through social media will be used alongside traditional methods. We consider that social media is a way of reaching people who have not previously engaged in the Planning process.
- **The use of jargon in the SCI, though reduced, is still present in some sections** - We have reviewed the SCI to remove all unnecessary jargon and included suggestions from the responses (such as the term 'Preliminary Consultation' to replace 'Pre-engagement').
- **Recognition of the importance of the Annual Monitoring Report** which is reflected by its inclusion in the SCI.
- **Technical issues on Neighbourhood Planning** - such as clarification of the Council's assistance to produce neighbourhood plans and the relationship between strategic and non-strategic policies within plans. We added text and figure 8 to the SCI to clarify the Neighbourhood Planning process and the Council's assistance.

## Responses via Built-id

- 7.7 Of the 135,000 people in the local area who received adverts on the SCI consultation, almost 4,000 people clicked to view more (see Appendix 2 for more details). We received about 250 voters for the polls who answered about 1,100 questions. Although it seems that community members successfully reached the platform, they did not always vote on its content. The 250 voters were of different ages: 8.8% were under 20 years old, 33.6% were between 21-40 years old, 30.4% were between 41-65 years old and 27.2% were over 65 years old. 68% of the respondents lived in the borough for over 10 years or more.
- 7.8 The polls consisted of 19 questions and facts and covered three themes: About you, Community Engagement and Our Priorities. The respondents explained that the main reasons which stop them communicating with the Council were: lack of knowledge on how to communicate with us and lack of time/convenience. Their priorities included: a collaborative approach, reducing jargon, early engagement and the use of online tools. Most of them (73%) considered that property developers did not consult enough and 89% wanted local councillors to be more involved.
- 7.9 Thirty seven residents who engaged in the polls gave further feedback (see Appendix 4 for more details) which included:
- **The need to improve the way the Council engages with them through the website, forums and newsletters.** We signpost them to MyRBKC to set up email notifications for planning applications and notifications about works in their area. The reintroduction of the Planning Bulletin should also help keep residents informed. The SCI already includes a reference to development forums as part of the new pre-application service.
  - **The need to help residents go through the information for major planning applications.** Through the development of the new planning advice service we will discuss options with residents and other stakeholders which should improve this.
  - **The need for early and meaningful engagement.** We reassured them that this was the purpose of the SCI and as such it has been built in the principles of engagement.
- 7.10 Built-id also organised three events (two in the north - at the Elgin and the Tabernacle and one in Chelsea at the Phene) to raise more awareness and help people to use ipads/tablets to respond to the polls. The invites were sent to the residents associations. The attendance to these events was disappointing as only one or two individuals came and they were mainly interested in other planning issues.

### **Proposed changes to the SCI**

7.11 The changes to the draft SCI include (please see Appendix 6 for tracked changes to the Draft SCI):

- Further references to the importance of early and meaningful engagement in Planning.
- Clarification that digital engagement through social media will be used alongside traditional methods.
- Further information on how the Local Plan, Supplementary Planning Documents, Neighbourhood Plans, and Conservation Area Appraisals are produced.
- The addition of information regarding Conservation Area Management Plans to support the section on Conservation Area Appraisals.
- Supporting text in the planning advice section to explain the importance of positive and early engagement with developers and our expectations from them. We added a reference to the development of the new planning advice service in early 2020 which will include information on development forums.
- Further text around planning performance agreements to explain how useful they are.
- Further information about the planning application process including notifications and how decisions are made.
- Reduction of jargon.
- Addition of a Glossary to provide further information of planning terms.
- We will also be reintroducing the Planning Bulletin on a monthly basis. We are currently talking to our colleagues in Media and Communications to implement this action. We will monitor the effectiveness of communicating through the Planning Bulletin and keep this under review as technologies change.

## **8. HUMAN RESOURCES AND EQUALITIES IMPLICATIONS**

8.1. The Council has completed an Equalities Impact Assessment for the SCI attached as Appendix 7. This concludes that the adoption of the proposed SCI will have no detrimental equalities implications for any of the protected characteristics.

## **9. LEGAL IMPLICATIONS**

9.1. The National Planning Policy Framework refers to the importance of proactive and early engagement throughout the Planning process (paragraphs 16, 39, 74, 124 and 128).

- 9.2. The duty to prepare the SCI arise from the Planning and Compulsory Purchase Act 2004 (section 18) as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017. Reviewing the SCI at least every five years from its adoption date is a legal requirement as per Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Practice Planning Guidance refers to this requirement in paragraph 071.
- 9.3. There have been several changes in Planning Legislation, Local Planning Policy, with the adoption of the Local Plan in September 2019, and Government Guidance since the adoption of the last SCI in 2013. Furthermore, in 2019 the Council adopted a new Council Plan which has a strong commitment to community involvement and so it is now essential that the SCI is brought up to date and in-line with legislation and the Council Plan.
- 9.4. Pursuant to Section 9D of the Local Government Act 2000 and the Council's Constitution, the adoption of an SCI may be approved by the Executive, it not being a function which is specifically listed as one that cannot be the responsibility of the Executive.
- 9.5. The Council is subject to the public sector equality duty under Section 149 of the Equality Act 2010, as noted in the paragraph 8.1 an EqIA has been undertaken which assists in demonstrating compliance with this duty.

## **10. FINANCIAL, PROPERTY AND ANY OTHER RESOURCES IMPLICATIONS**

- 10.1. The implementation of the proposed SCI will have no special financial implications. These will be adsorbed by the Planning and Place budget.

*Sue Foster*  
**Director of Planning and Place**

### **Local Government Act 1972 (as amended) – Background papers used in the preparation of this report**

#### **Contact officer(s):**

Preeti Gulati Tyagi, Planning Policy Team Leader

Email: [Preeti.gulatiyagi@rbkc.gov.uk](mailto:Preeti.gulatiyagi@rbkc.gov.uk)

Telephone: 07739314997

Patricia Cuervo, Senior Flood and Water Management Officer

Email: [Patricia.Cuervo@rbkc.gov.uk](mailto:Patricia.Cuervo@rbkc.gov.uk) Telephone: 07739313757

**Formal clearance requirements for all key decision reports**

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