

Ealing Council
Local Development Framework

Statement of Community Involvement Update

PRODUCED FOR CONSULTATION

17th September 2010

Ealing's Statement of Community Involvement (SCI) was adopted in 2006. It has formed a good basis for involvement in both development planning and development management since that time. However, the last annual monitoring report (AMR), produced by the Planning Policy Team in December 2009, identified a need to bring it up to date. The changes are listed at Appendix 1 attached.

The first step was to commission a review by consultants Entec (supported by the Planning Advisory Service). Entec have said that the document is largely fit for purpose and is one of the better SCIs they have reviewed, but it needs some work to achieve compliance with government's planning policy statement (PPS) 12, published since adoption of Ealing's SCI. In addition, Entec recommended adding content on planning performance agreements. A summary of the Entec recommendations is at Appendix 2 below.

In updating the SCI, apart from the Entec recommendations, a key aim has been to take account of the experience of community involvement in Ealing since the SCI was first adopted. The update therefore takes account of the views of the Ealing's Planning and the Community Working Group (see Appendix 3).

A revised version of the SCI has now been produced for consultation. The Planning Policy Team will invite comments on the updated SCI from 17th September to 30th November, as part of a wider consultation on a range of other local development framework documents. Appended to this note is a list of the SCI paragraphs that have been amended, and the reasons. Members of the public may wish to compare the text with the version adopted in 2006. The programme toward adoption of this new updated SCI is as follows.

Annual Monitoring Report identified that SCI needs review	
December 2009	
Entec review against PPS12 objectives completed	June 2010
Planning and the Community Working Group consider SCI	July 2010
Update of SCI approved for consultation	
September 2010	

LDF public consultation commences (coinciding with the LDF public consultation) September 2010	17th
LDF public consultation ends on November 2010.	30 th
Analysis of representations and drafting final version December 2010	
SCI final version approved by Cabinet 2011	January

It should be noted that adoption of the SCI no longer requires examination by an independent inspector, as it did in 2006. It is nevertheless expected that the Council ensure proper community involvement in a document which will set the standard for community involvement in the borough.

The updated SCI is now shorter than the 2006 document. As suggested by ENTEC, many of the figures and tables have been dispensed with or put into appendices. The main part of the new SCI is now 36 pages, while it was 58 in the 2006 edition. The final document including appendices should be no more than 53 pages, rather than the 73 in the 2006 version. The current consultation version of the updated SCI actually includes 7 appendices. These are included so that consultees can read and comment on them, but it is proposed to replace references to appendices 4 – 7 by links to copies available on the Council's web site.

It is felt that further elements of SCI Chapter 5 on community involvement in proposed development and enforcement can be changed and converted into appendices. Editing will be undertaken when government reports on changes to public service and expenditure (including in relation to town planning) in the near future.

Background Documents

1. Peer Review of the London Borough of Ealing Adopted SCI and Draft Engagement Plan, Entec, June 2010.
2. Statement of Community Involvement, London Borough of Ealing, 2006
3. Draft LDF/LIP Engagement Plan, Autumn 2010
4. Notes of the Planning and the Community Working Group, Ealing June and July 2010
5. PAS Manual
<http://www.pas.gov.uk/pas/core/page.do?pageld=109810>

6. Planning Policy Statement 12: Local Spatial Planning (published 4 June 2008)
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pps12lsp.pdf>
7. The Town and Country Planning (Local Development) (England) Regulations 2008
http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf
8. Planning Act 2008
http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080029_en.pdf
9. EXPLANATORY MEMORANDUM TO THE TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT) (ENGLAND) (AMENDMENT) REGULATIONS 2009
http://www.opsi.gov.uk/si/si2009/em/uksiem_20090401_en.pdf
10. The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009
http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf

11. Planning Act 2008: Guidance for Local Authorities
This includes guidance on action required in the event of nationally significant infrastructure projects, including pre-application consultation and statements of community consultation
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1521327.pdf>
12. Planning Together: Updated practical guide for local strategic partnerships and planners (published 2 April 2009)
<http://www.communities.gov.uk/documents/localgovernment/pdf/1193492.pdf>

9. Town and Country Planning (Local Development) (England) Regulations 2004
<http://www.opsi.gov.uk/si/si2004/20042204.htm#2>
10. Communities in control: real people, real power, DCLG white paper, 9/7/2008
<http://www.communities.gov.uk/publications/communities/communitiesincontrol>
11. Getting Engaged, how to engage communities throughout the planning process, PAS/Planning Aid, 2007
<http://www.pas.gov.uk/pas/aio/49624>
12. Planning Performance Agreements: report to Ealing Cabinet and Appendix approved on the 26th January 2010
http://www.ealing.gov.uk/services/council/committees/agendas_minutes_reports/cabinet/19may2009-24may2010.html
13. Guidance Note: Implementing Planning Performance Agreements, ATLAS Planning, 2009.
http://www.atlasplanning.com/lib/liDownload/351/080404_PPA_Guidance_Web_Download.pdf?CFID=2192431&CFTOKEN=95659439

14. Delivering Local Development 2008/9 - Ealing's Fifth Annual Monitoring Report, December 2009. Reference to updating the SCI, page 113.
http://www.ealing.gov.uk/ealing3/export/sites/ealingweb/services/environment/planning/planning_policy/local_development_framework/amr_docs/AMR_2009.pdf
15. Bristol City Council Statement of Community Involvement, adopted October 2008
http://www.bristol.gov.uk/ccm/content/Environment-Planning/Planning/planning-policy-documents/bristol-development-framework/sci_data/statement-of-community-involvement.en.jsessionid=A8BA52B321A5BFB4B6F1BEBA6E6473AA.tcwwwaplasws3
16. Ealing Council, Consultation and Community Engagement Policy, July 2009
http://www.ealing.gov.uk/services/council/strategies_and_policies/community_engagement/
17. Ealing Council – data on population, including ONS mid-year estimates published in 2010.
http://www.ealing.gov.uk/services/business/facts_and_figures/population/index.html

Encl **Appendix One – SCI Update – proposed changes**

Appendix One

SCI Update – Schedule of proposed changes

The following schedule refers to the paragraphs numbers, figures, tables and appendices in the updated SCI. It will assist in identifying the changes made to the SCI adopted in 2006. It should be read in conjunction with both documents.

Chapter One

- | | |
|-------------------|---|
| Para 1.1 | Delete redundant text, useful when SCI first being drafted |
| Para 1.2/3 | Delete footnote referring to legislation which is now outdated.

General editing; some text in paragraph 1.2 was formerly in paragraph 1.3. |
| Para 1.6 | This paragraph is added to take account of Ealing Council's corporate Consultation and Community Engagement Strategy, July 2009. |

Chapter Two

- Fig 1** This diagram has been altered to relate to the aspects of planning which are subject of community involvement in 2010 in Ealing, and refers also to the London Plan, which is now of greater importance as an integral part of the development plan for Ealing since the Planning Act 2008.
- Para 2.4** New commitments 7 and 8 are derived from community views on the community involvement process to date.
- Para 2.5** Editing to refer to the SCI review process.
- Para 2.9** This paragraph is substantially reworked to refer to procedures introduced since 2006, and to highlight the role of developers in promoting community involvement.
- Para 2.12** New text on methods of community involvement.
- Para 2.13** Planning Policy Team has abandoned the software it acquired for LDF consultations, but will continue to ensure that electronic communication and sorting of consultation documents, comments and responses. New corporate software is being investigated.

Chapter Three

- Para 3.1** Update of the population figures in the original SCI.
- Para 3.7** The point about the 'silent majority' is an issue raised in the ENTEC report (table 3.1, PPS objective 1, the fifth of the 'challenges and opportunities').
- Para 3.10** The list of specific consultation bodies originally derived from the Town and Country Planning (Local Development) (England) Regulations 2004, is amended in light of changes to the regulations introduced in 2008 and 2009.
- Para 3.11** The reference to consultation on the SCI itself now has regard to amendments to the regulations in 2008 and 2009, but is based on regulation 25 from 2004.
- Para 3.14** This now relates to the wider-ranging 'duty to involve', introduced by government in 2009.
- Para 3.15** Entec indicated that the importance ongoing community involvement should be highlighted (PAS/Entec table 3.1, third challenge indicated in response to PPS12 objective 1).
- Para 3.19** Entec suggested the use of community impact assessments. In Ealing, equalities impact assessments are used to establish the impacts of development plan policies on different groups in the community.
- Para 3.22** There is now a more positive attitude to the use of holiday periods for community involvement arising from experience during the first four years of operating the SCI.
- Para 3.31** This section is shortened, consistent with Entec's suggestion to shorten the document. Hyperlinks are now provided to Ealing's LSP information and some paragraphs of descriptive text and outdated text are deleted.

Paras 3.31 – 3.33 Paragraphs are added here to improve the way in which the SCI promotes engagement with strategic partners and landowner and developer interests, as suggested by ENTEC.

Chapter Four

Paras 4.1 – 4.7 and fig 2 This section is completely updated to reflect the Council's intentions in respect of the Local Development Framework. Entec liked the diagram from Bristol's SCI which is now included.

Paras 4.9 – 4.14 This section is completely updated to reflect the current Local Development Framework procedures, and to shorten the document, as advised by Entec.

Paras 4.15 – 4. 21 Some text on sustainability appraisal is deleted to shorten the document.

Chapter Five

Para 5.2 new material on nationally significant projects, and the government's advice on pre-application consultation, as suggested by Entec.

Para 5.5 new material on pre-application consultation added, as suggested by Entec.

Paras 5.9 – 5.16 New section on Planning Performance Agreements added, using Ealing's Cabinet Report and Charter, and ATLAS guidance, as suggested by Entec.

Para 5.33 Clarification that delegated reports are not made available to the public in advance of the decision being made.

Para 5.55 Clarification of the negotiation required in the enforcement process.

Para 5.68 New paragraph on legal agreements as suggested by Entec to clarify community involvement in these matters, and to update the document in relation to infrastructure delivery planning and community infrastructure delivery.

Para 5.74 New paragraph to add a reference to the role of Planning Aid for London as recommended by Entec.

Chapter Six

Paras 6.3 – 6.4 New text, as recommended by Entec, indicating the review process for the SCI itself.

Para 6.5 New text referring to equalities impact assessments, as recommended by Entec.

Para 6.6 New text on translating the SCI into action, and how this influences Ealing planning.

- Para 6.9** New references to the corporate complaints procedure.
- Para 6.14** Updated references to the Ombudsman service.
- Para 6.20** New sentences on monitoring and review process for the SCI.
- Para 6.22/3** New text on sources of advice on planning – editing the Council and PAL references, and adding one on planning consultants.

Appendices

- Appendix 1** Updating in respect of the Core Strategy, London Plan, The Regulations, Saved Policies, SCI and Sustainable Community Strategy.
- Appendix 2, Table 1** This new table merges the adopted Appendix 2 on general consultation bodies and old table 4.5 on stakeholders and the LDF. This enables the consultation bodies to be correlated with involvement methods, as recommended by ENTEC.
- Appendix 2, Table 2** This new table updates old table 3.1 in the light of changes to Ealing's local development framework, and experience of community involvement.
- Appendix 2, Table 3** This new table updates old table 4.1 in the light of changes to the legislation and the regulations.
- Appendix 3** This new appendix updates old table 5.1 in the light of changes to the legislation and the regulations, and includes emphasis on developers undertaking pre-application consultation, as recommended by ENTEC.
- Appendix 4** This is a more up to date version of the Code of Practice for Neighbour Notification on Planning Applications. There may be further updates in due course.
- Appendix 5** This is a more up to date version of the Code of Conduct for Planning Members.
- Appendix 6** This is the same as in the 2006 SCI, though it was at Appendix 5. There may be updates in due course.
- Appendix 7** This new appendix sets out the Ealing approach to planning performance agreements, and its inclusion is recommended by ENTEC.
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APPENDIX 2 SUMMARY OF ENTEC RECOMMENDATIONS

The colour coding in the left column indicates government planning policy objectives which Ealing's SCI 2006 meets (dark green), meets but there could be some improvement (light green) and does not meet (pink).

PPS 12 Objectives for community involvement	ENTEC report - Table 3.1 – Assessment of PPS12 Criteria against Ealing's SCI Key Challenges/ Opportunities for Ealing
<p>1. Explain clearly the process and methods for community involvement for different types of local development documents and for the different stages of plan preparation. This needs to include details of how the diverse sections of the community are engaged, in particular those groups which have been underrepresented in previous consultation exercises.</p>	<p>1. The diagram on page 2 contains a lot of information relating to Section 3.1. This could be moved to this section and referred to within the text. Furthermore the diagrams could be simplified to ease the reader's understanding. An example of such a diagram is taken from the Walsall SCI provided within Appendix A.</p> <p>2. There is significant discussion within Section 3.2 on how LBE will consult upon the various stages of the DPD process. This could include a right brain visual in the form of a diagram such as that used within the Bristol CC SCI (see Appendix A).</p> <p>3. A number of diagrams/text within the SCI refer to the Preferred Options stage of developing DPDs. Revisions to national level policy and legislation and associated amendments to the regulations have served to streamline the plan making process by effectively removing the requirement for local planning authorities (LPAs) to undertake consultation on Preferred Options as part of the preparation of Development Plan Documents (DPDs). This should be reflected within the SCI and updated to reflect whether Ealing intend to carry out this stage of consultation.</p> <p>4. Section 2.4, covering how to engage different groups, could include reference to the benefits of undertaking a Community Impact Assessment in targeting specific groups for an explicit consultation stage. Such a mechanism could ensure all appropriate individuals, communities and groups are considered and engaged with to identify any impacts or potential impacts. This would enable LBE to recognise when a specific plan or programme affects a specific group and in turn develop appropriate engagement methods.</p> <p>5. Recognition of the silent majority (e.g. transient communities) may be of benefit to the document, identifying that it is also commonplace for the widest hard to reach group can be the silent majority and consideration of methods to involve a broad spectrum of the community can prove important to consultation response diversity levels.</p> <p>6. In general the current SCI is considered to be too long. Ultimately if a document is lengthy this will lead to the reader not paying it full attention. Information where possible should be moved to Appendices or taken out of the SCI entirely and placed on LBE's planning pages. Web-links could be provided so the useful detail is not lost but at the same time the SCI as a whole streamlined. This issue generally runs through the document but one such example could be Section 4.15 on Conservation Area designations. Ultimately it should be remembered that the SCI needs to conform to the 8 PPS12 objectives rather than provide a rundown of every single element of planning.</p> <p>7. As to be expected, references will need to be updated where appropriate to the 2008 Planning Act or an updated Community Strategy etc.</p>
<p>2. Identify which umbrella organisations and community groups need be involved at different stages of the planning process, with special consideration given to those not normally involved.</p>	<p>1. The SCI could include a clearer breakdown of the role each DPD will play within the LDF. This could be achieved through the use of a separate table covering each document either following the revised figure on page 2 or within section 3. These tables would cover, a DPDs content, the stages in its production process and which consultation methods are recommended.</p> <p>2. Presentation could be improved by tabulating the various lists of consultation bodies within Appendix 1 for example.</p>

3. Explain the process and appropriate methods for effective community involvement in the determination of planning applications and where appropriate refer to Planning Performance Agreements (PPAs).

1. Forthcoming National Policy Statements (outcome of 2008 Planning Act) are set to outline suitable consultation requirements for **nationally significant infrastructure** developments. Reference to these requirements should be made in Chapter 4 - 'Planning Applications' to ensure developers are aware of these when preparing a planning application. The SCI should at least signpost best practice at the national level for developers to base their engagement approach on major applications.

2. **PPAs** are an increasingly useful tool in the planning of major development. The SCI offers a mechanism alongside other planning documents to foster their use. Greater detail as to their content and cross-reference to national guidance could be included within the SCI. Ultimately these in many cases are likely to be essential in major planning applications in the future.

3. Additional support can be requested through the Advisory Team for Large Applications (ATLAS) if not already underway.

4. One best practice approach could be to include **a worked example of a planning application** and stages the application would go through before and throughout its determination.

4. Include details of the Local Planning Authorities (LPAs) approach to pre-application discussions.

1. There is potential to remove the negotiable element and set out an exemplar of the good practice pre-application expectations for developers in writing, in particular for major applications. This would save LBE resources in terms of negotiation time. The **pre-application** section as it stands could provide an indication of the scale of development that requires pre-application consultation as a guide to developers.

2. Some pre-application measures (including an example of good practice) for major applications are recommended.

3. A firmer approach to pre-application could be adopted such as in the **Bristol SCI**, which states that in the case of their major planning applications 'developers are expected to apply all 10 methods of community involvement as set out'. See Figure 3.1 below for Bristol's requirements.

4. Whilst most applications are unlikely to fall into the 'nationally significant infrastructure' category as considered within the Planning Act, some of the new pre-application requirements upon promoters could be recommended as best practice within the SCI for **major applications** that fall under the nationally significant threshold. Further detail provided in Section 3.4.

5. It is noted that providing a robust section here covering pre-application consultation is critical to fostering community understanding/acceptance on developments.

5. Include the LPAs approach to community involvement in S106 agreements.

1. SCI could provide a link to relevant policy regarding developer contributions (be it Local Plan, LDF or SPD) and how the **community** is to be **involved in the negotiation process**. A focus could be made on evolving these earlier in a planning application's progress.

2. Furthermore it should be clear that an **outcome** of consultation on planning applications will be fed back into the developer contributions negotiated.

<p>6. Include information on how the SCI will be monitored, evaluated and scrutinised at the local level.</p>	<ol style="list-style-type: none"> 1. Potential to add an indication of the circumstances required to initiate a review of the SCI and link its success to the Annual Monitoring Report using clear objectives set out within section 5.5. 2. There is potential to involve the public in the revision of the SCI. This was carried out in South Tyneside. Here in developing their SCI an open invitation to groups and individuals to get involved was placed in the regular community magazine. 3. LBE could include: <ul style="list-style-type: none"> • demonstrating how the commitments have been delivered in practice; • a review of individual approaches and their relative success; or • a review of how effective community engagement has been in shaping documents and influencing refinements to the SCI. Potential factors that may initiate such a review include: <ul style="list-style-type: none"> • changes to national planning policy; • demographic changes; and • identification of additional hard to reach groups. 4. There needs to be a clear statement that the outcomes of each round of consultation will be reviewed and, if necessary, amendments to the SCI made.
<p>7. Include details of where community groups can get more information on the planning process, for example, from Planning Aid and other voluntary organisations.</p>	<ol style="list-style-type: none"> 1. SCI is sound in this respect. 2. The use of Planning Aid for advice as to appropriate engagement techniques and referring applicants to them is of great benefit and could be cross referenced in the planning application chapter (section 4). 3. For instance, a Planning Aid project in Yorkshire was used to raise awareness of planning and boost participation through the 'Planning for Black and Minority Ethnic Communities project' this featured training, workshops and activities to build local capacity within this traditionally 'hard to reach' group. The resources used on such projects could be of great benefit in an area as multicultural as Ealing.
<p>8. Identify how landowner and developer interests will be engaged.</p>	<ol style="list-style-type: none"> 1. Reference is made to ensuring publicity is provided for key stakeholders of when draft DPDs, for instance, are coming forward. This could be facilitated through the Ealing Community Network. Once notified such groups are usually familiar with planning system in terms of submitting a suitable response. However, there could be scope within the SCI to provide model responses or user guides to assist responses particularly for landowners unfamiliar with the planning system. 2. The use of the Limehouse database offers a progressive opportunity to publicise opportunities for engagement and in turn maximise consultation response from such interests. We recognise that this mechanism has been removed from LBE, however an appropriate alternative must be employed. 3. Whilst the detail contained within Section 4 is excellent. Some of the sections are perhaps not needed to meet the SCI requirements as per PPS12. For instance conservation area designations (section 4.15) and in turn hyperlinks could be made to information housed on the Ealing Council website.

Appendix 3

Part A

Planning and the Community Working Group 21st July 2010

REPORT

Local Development Framework Statement of Community Involvement – Update 2010

The Council's SCI was adopted in 2006, and it is time for it to be reviewed. Steve Barton has already had consultants (ENTEC) to do an assessment of the SCI in relation to government's currently established objectives, and has now asked me to draft changes to the SCI in consultation with the Planning and the Community Working Group. The first opportunity to do this will be at the Planning and the Community Working Group meeting on the 21st July.

The aim is to complete this job quickly, so that it brings the document in line with government best practice, and ensures that the next LDF consultation is as good as it can be. It should also lay the basis for further consideration of community involvement in planning, as the new government's thinking on planning and community involvement unfolds.

The SCI deals with community involvement in both development policy and development management. I am preparing draft changes to the SCI in the light of issues that have arisen in the four years since the original version was adopted, including -

- People's experience of community involvement in planning in Ealing.
- Changes to LDF procedures.
- Changes to Development Management – including ways of dealing with major cases.
- The introduction of 'infrastructure delivery planning' – to plan for health, education and other community facilities for our changing population.
- Links with the public service 'duty to engage' and the role of the Local Strategic Partnership.
- Equalities Impact Assessment – to ensure that community involvement in Ealing involves and benefits all sections of the population.

I am looking forward to meeting you on the 21st July, and I trust that our discussion will initiate genuine improvement to Ealing Council's Statement of Community Involvement.

R Johns, Planning Consultant

SCI Update – COMMENTS FROM THE PLANNING AND THE COMMUNITY WORKING GROUP 21/7/10

The following points were made in response to the report presented to the group and the summary of Entec comments (both documents attached above)

1. BG stated that the 'Silent Majority' should not just refer to 'transient communities'.
2. It was pointed out that the silent majority should also include the many people who live in the borough on a permanent basis but do not participate in the planning process
3. This was highlighted by the low number of people who made representations to the LDF to date
4. The challenge is to reach out and generate interest among the wider public in general
5. It is also very important to ensure that the actual consultation that is carried out on the ground is useful and makes a real attempt to engage with those present
6. In relation to the nationally significant infrastructure, it was noted that the process of abolishing the Infrastructure Planning Commission (IPC) is set to take up to two years
7. More detail on strengthening PPA's was also deemed necessary by BD as it was felt that early meaningful consultation with the community regarding large scale planning applications was critical
8. Better monitoring mechanisms of how and where developers spend s106 money was also highlighted as being required. To date it has been unclear where money has been spent and the process of monitoring and feedback needs to be strengthened.
9. DJ highlighted that national guidance on good practice for developers involved in national infrastructure projects currently exists and that this good be used as a basis for future PPA's between developers and the council
10. A clearer balance also needs to be maintained between s106 money provided for community infrastructure and for other needs i.e funding going to other bodies such as TFL for large infrastructure projects like Crossrail
11. DJ suggested a stronger and clearer reference to the AMR in the SCI

12. In relation to Landowner and developer interests, it was noted that a series of workshops have already and are proposed to take place in the coming months
13. DJ suggested that in the future, it would be useful to set up and maintain a system whereby there was on going dialogue with developers after planning permission has been granted. It would be beneficial have information about when a development is likely to commence or be completed
14. SB stated that any reference to the SHLAA and SHMAA in the SCI should recognise the current uncertainty in the market and the current ongoing debate and uncertainty regarding the targets set out in the London Plan
15. It was noted that Limehouse was no longer being used for receiving responses online. It was recommended that a system similar to the current system for making online representations on planning applications be used
16. It is the intention to make all representations available on the council website during the next round of consultation, subject to issues with data protection being addressed
17. BG stated that the minimum requirement is to allow people to input comments easily online and was not convinced about the usefulness of seeing other comments
18. DJ also suggested that we ensure that we comply with existing E Consultation criteria.