

# Statement of Community Involvement

## Submission Document EAL10

July 2011

EALING COUNCIL

**Ealing Council  
Local Development Framework**

**Statement of  
Community Involvement**  
Update  
July 2011





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## Invitation to community involvement in community languages –

Avgiv Avbɬ`i mvɬ\_ Avcbvi gšle" l  
gZvgZ MÖnY Kiɬev| Avcbvi gZvgZ  
Rvbvɬbvi Rb" AbyMÖn Kɬi Avgvɬ`i  
mvɬ\_ ɬhvMvɬhvM Kiɬeb, cÖ\_g  
Ae`'vq BsɬiwR ejɬZ cvɬib Ggb  
ɬKvɬbv eÜzi gva`ɬg, Ges Zvici Avgiv  
ɬ`vfvxi (B`Uviwc<sup>a</sup>Uvɬii) A\_ev  
Abyeɬ`i e`e`'v Kiɬev|

Amao AapanaaM  
maMtavyaaonao  
AavakarIAo CIAo.  
mahorbaanal krlnao  
pa`qama taao Aapa, kdaca  
AapanaaM kaoɬ ima~a  
Wara AMaa`oD

هم آپ کی رائے کا خیر مقدم  
کرتے ہیں۔  
براہ مہربانی ہم سے رابطہ  
قائم کریں، ابتداء میں کسی  
انگریزی بولنے والے دوست  
کی مدد لیں پھر ہم مترجم یا  
ترجمے کا بندوبست کر دیں  
گے۔  
URDU

hma Aapko ivacaaraoM  
ka bahut svaagat  
kroMgao. kRpyaa hmaoM  
AarmBa Aap A^Mga`oja,l  
maoM sampk- kroM,

AsIN quhwfy ivcwrW dw  
suAwgq krđy hW[ ikrpw  
kr ky swnUM SurU ivc  
AMgRyzI ivc sMprk kro,  
Swied ikxy dosq rwhIN,  
Aqy iPr AsIN duBwiSey  
iW Anuvwd dw ieMqzwm

我們非常希望能聽取你的意見。  
請先用英文與我們聯絡上，  
也許可請一位朋友幫忙，然後我  
們會安排傳譯或筆譯服務。

CANTONESE

Będziemy bardzo wdzięczni za Państwa  
opinie. Prosimy o kontakt, pierwotnie w  
języku angielskim, na przykład za  
pośrednictwem znajomej osoby, a  
następnie my zorganizujemy możliwość  
tłumaczenia ustnego lub pisemnego.

POLISH

ما از نظریات شما بسیار استقبال مینمائیم.  
خواهشمند است با ما تماس بگیرید، در ابتدا،  
احتمالاً از طریق یک دوست به زبان  
انگلیسی، و سپس ما برای شما ترتیب ترجمه  
شفاهی یا ترجمه کتبی را خواهیم داد.

FARSI

نرحب بآرائكم للغاية.  
برجاء الاتصال بنا، في البداية باللغة  
الإنجليزية، ربما من خلال صديق،  
ثم سنقوم نحن بعمل الترتيبات للترجمة  
الشفوية أو التحريرية.

ARABIC

Մենք մեծապես ողջունում ենք ձեր  
սեռակետերը: Խնդրում ենք՝ կապվե՛ք մեզ հետ  
սկզբնապես անգլերենով, գուցե ընկերոջ  
միջոցով, իսկ այնուհետև մենք կկազմակերպենք  
բանավոր կամ գրավոր թարգմանություն:

ARMENIAN



**Ealing Council  
Local Development Framework**

# **Statement of Community Involvement**

July 2011

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## 1. Introduction

1.1 The planning system affects everyone's lives. Planning decisions determine where we live, where we work, where we take time out, how we get around, the heritage we protect, and the places where we shop.

1.2 The Planning and Compulsory Purchase Act (2004) gave significant emphasis to the involvement of communities in planning. It established a requirement for each local Council to produce a Statement of Community Involvement (SCI). Ealing Council's objective is to strengthen community input to plans and proposals for development of land in the borough.

1.3 Ealing's SCI was adopted in 2006, and has helped active, meaningful and continued involvement of local communities and stakeholders in planning processes. Of course, circumstances, policies and governments change. The SCI therefore needs to be updated from time to time, and this current version has been updated in the wake of the Planning Act 2008, which introduced important changes to the planning system. The first edition of this update was produced in July 2010, and this one in July 2011.

1.4 The purpose of this document, as with the originally adopted Statement of Community Involvement (SCI), is to set out how and when Ealing Council will engage the community and other key organisations and partners:

- In the preparation and revision of its policies on land use and development (called the Local Development Framework) - it establishes whom we will be talking to, and when this will be undertaken.
- In the planning application process - through pre-application discussions, consideration of planning applications, legal agreements and enforcement of planning decisions, including the role of developers in that process.

1.5 Ealing's SCI is based on the views of local people. It will be reviewed at least annually, in conjunction with the Council's Annual Monitoring Report and will be subject to formal procedures for amendment when required.

1.6 Town Planners in Ealing are of course only one part of Ealing Council, and many people who offer their views to different parts of the Council, are dissatisfied if these views are not properly communicated across Council departments. On this basis, this Statement of Community Involvement, which has been produced for involvement in development planning and development management, is operated in the context of Ealing Council's Consultation and Community Engagement Policy, July 2009<sup>1</sup>. Ealing Council's Planning Policy Team will seek to work in concert with the corporate Research and Consultation Team to achieve the best results, and to make community involvement in Ealing a more efficient and effective process for all concerned.

1.7 The Localism Bill was published in December 2010 and has since been debated in Parliament. It makes a series of proposals to achieve a shift in power away from central government towards local people and includes a reform to make the planning system more

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<sup>1</sup> Ealing Council - Consultation and Community Engagement Policy – July 2010.  
[http://www.ealing.gov.uk/services/council/strategies\\_and\\_policies/community\\_engagement/](http://www.ealing.gov.uk/services/council/strategies_and_policies/community_engagement/)

democratic and effective<sup>2</sup>. The bill introduces the following changes in the involvement of communities to the planning system:

- A new right for communities to draw up “neighbourhood development plans” to be adopted through referendums- Those will set out where shops, businesses and houses should go and what they should look like –
- The right for local communities to grant full and outline planning permissions in areas where they most want to see new homes and businesses
- The right for small groups of people to bring forward small housing and shop developments
- The requirement for developers to consult communities before submitting very large planning applications
- The duty for local authorities to report on their progress on local plans to local communities rather than government

1.8 The SCI will be updated to reflect new consultation and involvement arrangements between the Council and the community on planning matters in due course once the Bill has been passed and the duties of the Council clarified.

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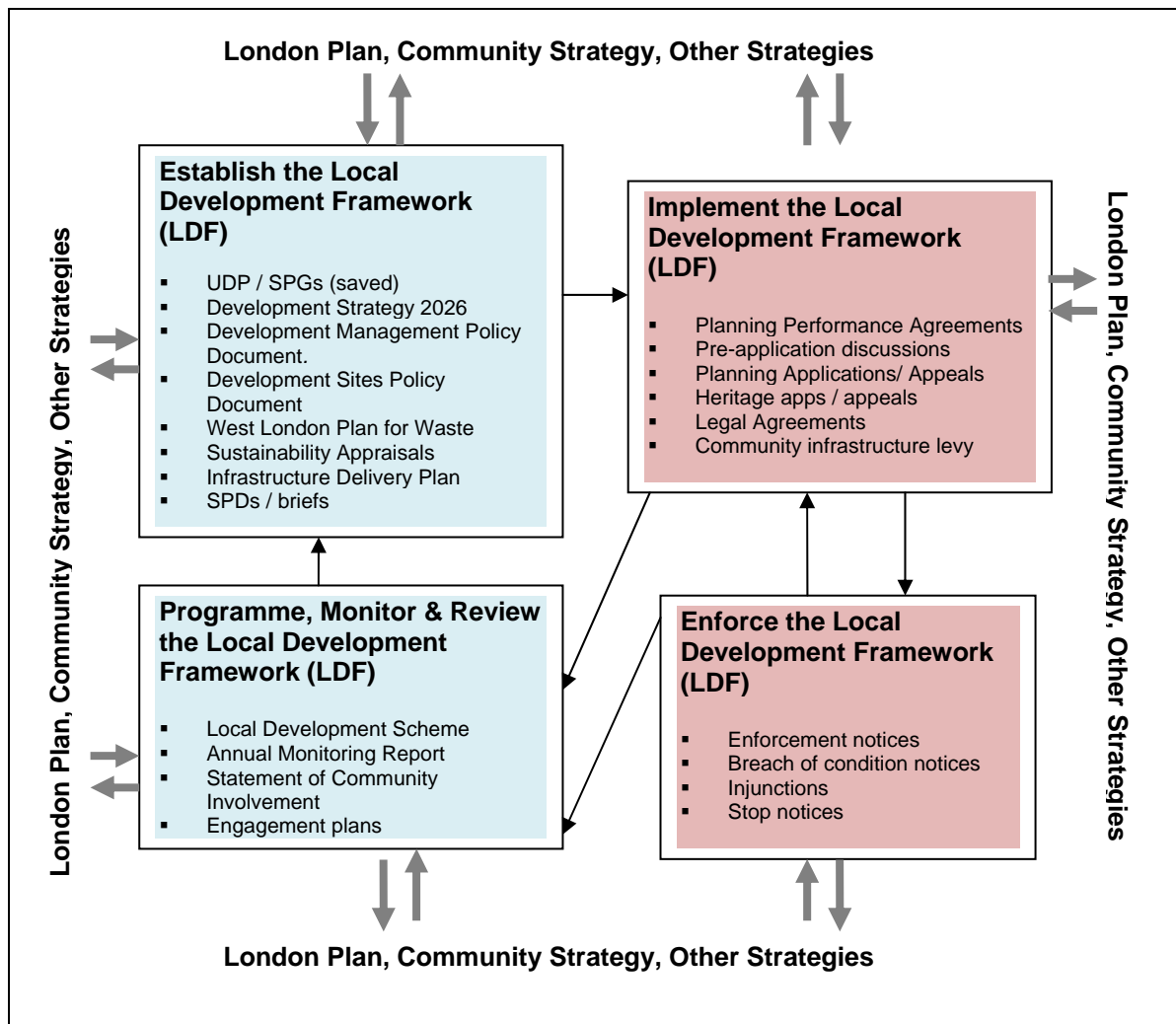
<sup>2</sup> The Localism bill is accessible at [<http://services.parliament.uk/bills/2010-11/localism.html>] (accessed 09/06/2011)

## 2. Setting out our Main Principles and Approach

### Main Principles

2.1 Ealing Council is committed to improving the way in which the community is involved in planning for the borough. This starts with the establishment of a local development framework, i.e. plan making and promotion. It also includes implementing and enforcing the local development framework, i.e. community involvement in planning applications, pre-application discussions, planning agreements, and planning enforcement procedures.

**Figure 1: Action on Development Planning (blue) and Management (buff) in Ealing**



2.2 This Statement of Community Involvement should enhance the involvement of local groups that are already linked to planning processes in Ealing. Existing channels for dialogue with these community groups will remain in place. In addition, the Council will facilitate wider involvement through Ealing Community Network. Consultation and participation relating to town planning will be undertaken, as far as possible, in accordance with the protocols set out in the Ealing Compact<sup>3</sup> and the corporate Ealing Consultation Strategy.

<sup>3</sup> The Ealing 'Compact' is a service agreement between Ealing Council and the Ealing Community Network. Section 3.26 explains the role of the Ealing Compact.

## **How will we approach community involvement in planning?**

2.3 Ealing Council seeks to involve and bring together people with a wide range of interests and perspectives on future planning in Ealing. These include people who are concerned about environmental protection and the impacts of development; people who own land and want to undertake development; people who would use or be accommodated in buildings and spaces which are developed (particularly where the development is to meet specific needs), and people who are concerned to see the general improvement of our borough.

2.4 To do this, the Council is committed to community involvement that is:

1. Tailored to its purpose – i.e. it is based on a clear understanding of the needs of the community and reflects their requirements.
2. Based on the earliest possible involvement and sense of ownership of local policy decisions ('frontloading').
3. Accessible to the communities concerned – i.e. the right methods of involvement are used.
4. A continuing process, with opportunities for on-going involvement.
5. Transparent (no hidden agendas) and inclusive for all.
6. Well thought out and planned, rather than 'ad hoc'.
7. Followed by feedback on participation as decisions are made.
8. Regarded as satisfactory by participants from all sections of the community.

2.5 Through the SCI, the Council is working in partnership with the community. We intend to deliver a system of town planning in Ealing that reflects the aspirations of all in the community. The Council's performance in respect of the above commitments will be monitored year on year, and the results subject to scrutiny along with other aspects of the annual monitoring report. This may prompt further reviews as required.

## **What are the benefits for communities in getting involved in the Planning System?**

2.6 The evidence base for preparing plans and strategies, and making planning decisions is greatly strengthened by local knowledge and awareness. Involvement in the plan making process will mean that communities have a greater awareness of how their area will develop in the future, and can be committed to this future.

2.7 Early involvement in the planning process can help to empower individuals and community groups to affect planning decisions and the subsequent developments that arise. This will mean that people feel more in touch with what is happening in their area, and can make a real difference to their surroundings.

2.8 The community can have a greater influence over development if people get involved at the earliest stage in the development process (pre-application discussions). This may allow design improvements and plan revisions to be made to incorporate community suggestions, creating a sense of ownership in the development project. Community participation will then be seen as a positive input into the development process, rather than a threat to developers.

2.9 If development is going to have a large impact on the community, then there are opportunities for more in-depth involvement in the process. An important example is where community facilities or services are required. Community involvement can lead to the design of facilities that are better suited to the communities that use them. This can range from views on s106 legal agreements, on the process of infrastructure delivery planning, and on proposals for a community infrastructure levy. The largest projects might be subject to planning performance agreements too, or exceptionally, have special arrangements for their determination because they are of national significance. The more important the project, the more important it is for the developer to take a lead in engaging with the community, and for steps to be taken to engage with prospective users of the development and so called 'hard to reach' groups. For example, developers need to be aware of cultural issues arising from development. An opportunity exists here to create a greater level of awareness amongst developers as to the community's cultural needs, for example the desire of extended families to live together under the one roof, creating a need for larger residential units.

2.10 Another advantage of increased partnership working between developers, community groups and the local planning authority will be that communities will feel able to hold the developer accountable if any of the planning conditions or legal agreement provisions are not complied with.

2.11 Greater involvement from community groups in the planning process will also help to demystify planning jargon and the planning process. As community groups become more informed about the relevant planning issues, they will be better placed to make their views, concerns and needs known when they are consulted on future development plans for the borough. Appendix 1 of this document comprises a Glossary of Planning Terms.

### **How can people keep in touch and offer their views?**

2.12 The traditional means of informing people of planning matters remain in place. These currently include the official advertisements in the local paper, the notices and documents in libraries and at Council premises, and notes to known interested parties. These are supported by up-to-date contact details for the responsible teams/officers, access to reports, and to conversation – on the telephone or in person at meetings, and advice on how to submit written comments. The advent of email and the Council's web site has improved communication between interested parties and the planners. The availability of consultation documents on line, and the ability to submit comments on them on-line are now vitally important.

2.13 It has to be said, however, that not all innovations have been worthwhile. Special 'e-consultation' software for town planning was used in some of the early phases of LDF production. This enabled people to input comments online if they clicked on text in the consultation documents. However, most people did not find this attractive – including governmental and other agencies that (in theory) promoted the approach. Most people found it easier to just write a letter saying what they think, and increasingly sending the letter as, or attached to, an email. The existence of the e-consultation software and its use as a database for comments received, meant that planning policy officers had to spend a great deal of time sorting and inputting people's comments onto the software to ensure that all comments received are on a single database. In fact, it was not worthwhile, and the software has been abandoned. A new corporate system is being investigated. In any case, people will still be able to comment on-line, and comments will be posted on the web site for all to see. It will still be possible to sort and analyse comments and to respond systematically to them.

### **3. Our Communities and Stakeholders**

#### **The People of Ealing**

3.1 The London Borough of Ealing is located in the heart of West London and is a vibrant and diverse area spanning 55 km<sup>2</sup>. The GLA's 2005 household projections indicate 124,294 households in 2006. Ealing is the third largest London borough by population. The 2009 mid-year estimate of the population of Ealing is 316,600<sup>4</sup>.

3.2 There was a growth of 6.3% in Ealing's overall population between the 1991 Census and the 2001 Census, a growth rate higher than the London average increase of 5.3%. During this period Ealing experienced a growth in our working age (25-49), and school age population (5-15). However, the population aged over 65 declined, as did the very young, (0-4) and young adults (16-24).

3.3 Ealing has a rich mix of communities from the Commonwealth and European countries, with almost a third of the borough residents born outside of the European Union. Ealing's diversity has increased, in 1991 32.3% of the population were from an ethnic minority, in 2001 this figure had risen to 41.3%. At the last census, 24.5% of the population were South Asian, 8.8% of the population Afro-Caribbean, 3.6% were from a 'mixed' ethnic group and 4.3% identified themselves as being Chinese or from other ethnic groups. Ealing also has a range of faith groups to which people belong to, the six main faith groups being: Christianity, Islam, Sikhism, Hinduism and Buddhism. These combined factors have made Ealing the 4th most diverse borough in London.

3.4 The nature of Ealing's diversity has evolved since the Second World War, starting with the arrival of the Polish community. The Polish community settled in the Ealing and Acton areas, making it the most established ethnic minority in Ealing. During the 1950's and 1960's communities from South Asia arrived and settled in Southall. During the 1950's and 60s communities from the Caribbean countries settled across the borough. In the late 1960's and early 70's, community groups from South Asia settled in Southall. The arrival of these new ethnically and religiously diverse communities from the Indian sub-continent heralded the transformation of Southall. Southall is now acknowledged as a centre of Asian goods and services and culture from the Indian sub-continent, with a regional and perhaps national catchment. More recently, communities from Ethiopia, Somalia, Iraq, Australia, New Zealand, South Africa and Eastern Europe have been attracted to Ealing and have settled across the borough.

3.5 The diverse nationalities that co-exist in Ealing have added vibrancy and enriched the borough. There now exists an exciting opportunity to seek and capture the wide and differing views from these new and established communities, alongside those of more transient communities, such as students or travellers. The diverse nature of these communities will further transform the future developmental needs and physical development of the borough.

#### **General Consultation Bodies**

3.6 Representative groups that cover the wide range of voluntary, community, special interest, amenity and business interests are defined by government as 'general consultation bodies'. These voluntary organisations benefit people from:

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<sup>4</sup> The latest Office of National Statistics mid-year estimate of the population and the GLA household projections are on Ealing web site [http://www.ealing.gov.uk/services/business/facts\\_and\\_figures/population/index.html](http://www.ealing.gov.uk/services/business/facts_and_figures/population/index.html)

- different parts of the borough;
- different racial, ethnic or national bodies in the authority's area;
- different faith groups in the authority's area;
- disabled people;
- users of the different community facilities and services;
- business people.

3.7 As well as these groups, the Council would like to involve as many local people and organisations as possible in drawing up the planning framework for Ealing. In particular, we are keen to engage those groups that have in the past been excluded from the planning process, those 'hard-to-reach' groups such as young people, ethnic minority groups, travellers and refugees, disabled people, those with special needs or others who might otherwise be excluded from the process. Having said that, it is also important to encourage the 'silent majority' of people who do not readily associate with local issues. Measures to make the involvement more meaningful to the population generally will have positive effects in terms of a wide range of groups. The mechanisms in the SCI will need to be flexible enough to ensure that information not only reaches the right people, but also reaches them in a way that allows them to respond to it. That means it is also important that the sort of information we provide is relevant, and that enough time is given for a considered response to be made.

3.8 The Council has identified a number of groups to be consulted. A list of these groups is included at table 1 of Appendix 2 'detailing LDF community involvement'. The list will be kept updated. A similar list is used for development management, i.e. consultation on planning applications etc.

## Wider Interests

3.9 For the purposes of this document, the concept of 'community' is wider than the people who live within the borough boundaries. In developing policy on land use and development, it is important to have the involvement of a wide range of groups and individuals, who have an interest in how the borough is developed. In addition to the general consultation bodies referred to above, government has also identified '*specific consultation bodies*'.

## Specific Consultation Bodies

3.10 These are agencies that are specifically identified in the planning regulations:

1. Mayor of London (The Greater London Authority)
2. London Development Agency
3. The Metropolitan Police
4. Adjoining Local Planning Authorities - Brent, Harrow, Hillingdon, Hounslow and Hammersmith & Fulham
5. The Secretary of State for Transport (on railways and highways matters, but not on SCI)
6. Natural England
7. The Environment Agency
8. Historic Buildings and Monuments Commission for England (English Heritage)
9. The Coal Authority
10. Primary Care Trusts
11. Telecommunications companies
12. Electricity and gas companies
13. Sewerage and water undertakers
14. Homes and Communities Agency

3.11 Within this group, the Council is expected to consult the Mayor of London, the Metropolitan Police and neighbouring boroughs in preparing the Statement of Community



Involvement. It is also anticipated that the Council will consult with relevant entries on the list of general consultation bodies.

3.12 The Council keeps a database of community contacts, and those who respond to planning policy consultation documents. Any person or any organisation can request to have their details added to the LDF Consultation Database. They will then be contacted as we progress with development of our various local development documents.

3.13 The Council also keeps a register of consultees that they refer to when consulting on planning applications. This list includes the statutory consultees, as well as groups and individuals who have requested to be included on the register.

### **How will we engage with our community?**

3.14 The Council will continue to use a range of consultation mechanisms in the preparation of the Local Development Framework and the determination of applications through the development control system. The mechanisms used range from very formal statutory (legal) processes to very informal processes. The methods used will depend on the type of application/document, the number of people we are trying to reach, and the legal requirements placed on us as a planning authority. Since production of the Council's first Statement of Community Involvement, a more general 'duty to involve' has been introduced, encompassing local councils and other public services. There is now greater scope for wider engagement strategies, coordinated through local strategic partnerships. A strong Statement of Community Involvement is an essential element of this approach.

3.15 Consultation methods can be described as informative, consultative or engaging, depending on the level of input the community will have. *Informative* methods are used to tell large numbers of people about what is proposed (in the case of a planning application) or what we have done or are planning to do, in the case of a policy document. This method raises awareness and provides a starting point for feedback and dialogue. *Consultative* methods give an opportunity for immediate feedback and negotiation, and more in depth information is provided. *Engaging* methods involve partnership working, where stakeholders take an active role in discussions and negotiations. It is also worth differentiating between involvement in specific consultation events, and continuous community involvement, which is an ongoing dialogue with interested parties. The Council is committed to both elements of community involvement, and the most effective consultation.

3.16 The range of consultation methods that will be used for Local Development Frameworks are set out in Chapter 4. The range of methods that will be used for Planning Applications are set out in Chapter 5. Action on the SCI itself, and monitoring and review, are dealt with in Chapter 6.

### **How will we reach out to all sections of the community?**

3.17 Some groups are often unable to participate effectively in planning processes when conventional consultation methods are used because the Council finds it hard to reach out to them. 'Hard to reach' groups might include people from ethnic minority groups, people whose first language is not English, young people, children, older people, people with disabilities, refugees, travellers or gypsies, as well as people who lack the time or resources to participate effectively.

3.18 Some of the techniques that we feel may be useful in engaging with such groups are included in table 2 of Appendix 2 below. Some of the methods and techniques may be suitable at different stages in the preparation of Local Development Documents and/or for different types of, planning applications. We will determine which methods to use on a case-by-case



basis, and guided by the groups themselves in the context of the available resources and legislation. For more detail on different methods that will be considered for different stakeholder groups in preparing Local Development Documents, see Appendix 2.

3.19 Equalities impact assessments of the different policy documents and proposals can assist in identifying the potential impacts of these policies and proposals on different groups in the community, and indicate if specific groups or areas should be targeted in the consultation stages and if particular engagement methods should be used. In addition to the methods referred to in Appendix 2 there are actions that can be taken to make participating in consultation events easier for people, including:

- Providing childcare during events;
- Providing transport to and from events;
- Holding consultation events at appropriate times and venues for target groups;
- Using established meetings/groups for consultation exercises;
- Combining consultation events with community events e.g. markets, fairs, meetings, festivals;
- Providing translation/interpretation services and making promotional material available in community languages;
- Making responding to surveys/questionnaires easier for respondents (through sensitive design of questions, language, postage paid etc.)

3.20 Ealing Council recognises that greater effort is needed to encourage effective engagement of groups with limited experience of planning processes, or limited capacity to respond to formal consultation processes. Special efforts are also needed for those individuals and groups who are not affiliated with umbrella groups that have experience of such processes (e.g. ECN) and can act on their behalf.

3.21 The Council also recognises that specific barriers to engagement may include language and cultural differences, physical, mental or sensory disabilities, childcare or dependency care responsibilities, lack of a permanent residence, lack of access to ICT, or economic disadvantage such as the cost of travelling to meetings. Where requested, the Council can make copies of consultation documents available in large print, braille or cassette tape, or provide a translation or interpretation service.

3.22 The Council has previously endeavoured to avoid consultation exercises during school holiday periods, except where deadlines are set by external agencies or government. However, experience has shown that holiday periods can be good times to attract involvement – people on holiday can have more time to participate, and there are often community events taking place (summer carnivals etc) which can be used to promote community involvement. The key to success is to provide a total of six weeks, split either side of the holiday period, so that the consultation does not exclude people who are away on holiday or organisations that have a break during the holidays. The Council will endeavour to avoid holding consultation events on major religious or cultural holiday dates.

3.23 The Council also recognises that the sort of information we provide should be relevant to those groups that we are engaging with. Within available resources, the Council aims to maintain a diverse range of consultation and communication methods in order to actively engage with and seek involvement from hard to reach groups. The range of methods is shown

at Appendix 2 below in respect of development planning consultations, while Appendix 3 covers development management.

### **How can we build capacity for community groups to participate in planning processes?**

3.24 'Capacity building' means equipping members of the community with the resources and skills to participate effectively. An example is training community members to facilitate their own community workshops. With these skills, communities will be better able to express their concerns and participate more effectively in planning and community processes.

3.25 Ealing Council recognises the specific role of umbrella bodies such as ECN and other community groups, in assisting consultation and communication, and will supply practical support and training where appropriate.

3.26 The Ealing 'Compact' is a signed agreement between Ealing Council and the Ealing Community Network (ECN). It sets out shared principles and values underpinning relations between the local authority and the local voluntary and community sector. It includes specific commitments by Ealing Council and ECN with respect to engaging in consultation and partnerships, acknowledging and providing for equality and diversity, and providing for community participation.

3.27 The Compact is not a contract, but it is a clear statement of commitments and service standards that local voluntary and community groups, and the Council, can expect from one another. Partnership is at the heart of the Compact. The local authority and ECN have shared roles, and this is reflected in the number of joint commitments in the Compact.

3.28 Copies of the Compact are available from ECN or the Council or from our website: <http://www.ealing.gov.uk/services/community/community+grants/compact.asp>

3.29 Chapter Four of the Ealing Compact sets out our joint commitments on 'Consultation and Partnerships' with the community, through the framework of the Ealing Community Network (ECN). It includes a commitment by ECN to *'work constructively with Ealing Council officers to plan and co-ordinate effective forward consultation and communication programmes'*. ECN has also made a commitment to make its resources available to assist the Council with its consultation programmes and to encourage voluntary and community groups to respond to the Council's consultation documents and participate in consultation events.

3.30 In turn, Ealing Council has made a commitment to better co-ordination between departments, to avoid overload on local voluntary and community groups from an excess of partnership meetings, consultation activities and communication exercises. For example, Council is developing a Customer Relations Management System - so that information and feedback from our customers can be more easily shared between departments. The new systems will enable Customer Services to give better information to our customers with greater efficiency, and to ensure that requests for service are dealt with more effectively.

### **How does the Statement of Community Involvement link in with the Ealing's Sustainable Community Strategy and the Local Strategic Partnership?**

3.31 There is a clear expectation that planning authorities should collaborate with local strategic partnerships within their area. The relevant local strategic partnership, Partnership for Ealing, includes many of the borough's key public service providers, along with business organisations and representatives of the voluntary and community sector. This partnership is charged with providing a Sustainable Community Strategy, which aims to contribute to the

achievement of sustainable development, and sets a long-term vision for Ealing, along with some of the key long, medium and short-term objectives to achieve this vision. Clearly there is benefit in coordinating the full range of public service and development across the borough. Indeed, many of the Ealing partners have a duty to involve the public, similar to that of the local authority. The Statement of Community Involvement for Ealing's local development framework can be regarded as facilitating the development implications of the Sustainable Community Strategy.<sup>5</sup>

### **How can developers, landowners and the business community get involved in planning for the future?**

3.32 Development planning and development management are partnership activities that should involve all sections of the community. This does not only mean those who would use the development as customers or visitors, or who would live near the development. It includes those who own land and are concerned to realise its development potential, developers who would undertake projects in the borough, and business people who would benefit from economic regeneration or would find that the development affects their business in other ways. It also includes the development professionals who work for developers, landowners and business interests. These sections of the community are of course often involved as planning applicants, but they are busy people, and the local authority has to work hard to achieve broad and ongoing involvement from these groups in development planning or forward planning in general.

3.33 Businesses that have submitted planning applications or have discussed planning matters with the Council in the past are normally kept on the list of contacts to be informed of planning initiatives that are relevant to them. Notifications and invitations of this sort are however often lost among the 'junk mail' sent to businesses. Some degree of representation of the business community is provided by umbrella organisations like the Home Builders' Federation and West London Business. However, apart from contacts with businesses involved as planning applicants, the most successful liaison is through groups focussed on projects, such as town centre partnerships or the Park Royal Partnership. The Council has good ongoing liaison with housing associations through a Forum serviced by housing officers. It is seeking to encourage membership of developers' groups and forums – whereby developers and landowners who have planning permission for major projects stay in touch so that the local authority can be aware of the programming of their projects, and can encourage them to discuss other related development issues in the area. Ways in which these types of liaison fit with development planning and development management in Ealing are indicated in Appendices 2 and 3. It is certainly the case that in order for the Council to promote 'delivery' of the development needed by the borough, partnership working with the business community is essential.

### **How are Council Members involved in the planning system?**

3.34 The decisions of the Council on all aspects of town planning are made by the elected Council Members. The professional planning officers prepare reports on the different town planning matters, most often including consideration of community views, and place them before the Council Members. Some decisions have been delegated to senior Council officers - see paragraphs 5.38 to 5.43.

3.35 In the case of matters to do with the establishment of or monitoring of the local development framework, the Leader of the Council takes responsibility at Cabinet. He will

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<sup>5</sup> To see more on the local strategic partnership go to <http://www.idea.gov.uk/idk/core/page.do?pagelid=18107904> and for the latest approved Sustainable Community Strategy go to [http://www.ealing.gov.uk/services/council/corporate\\_plan/](http://www.ealing.gov.uk/services/council/corporate_plan/)

consider the officer report, and if he is satisfied with it, he will take it to a meeting of the Cabinet for decision. In some cases, it is necessary for Cabinet to make a recommendation to full Council (i.e. a meeting of all Ealing Councillors). Where appropriate or necessary, reports will be considered in conjunction with other Members at the LDF Advisory Committee before going on to Cabinet and/or Council for decision. Reports on the local development framework may be taken to Ward Forums for information and discussion, where the Councillors for the area will provide a local perspective on the proposals. There is also the possibility that local development framework matters may be called in for Scrutiny at special committees of Councillors set up for this purpose.

3.36 Reports to Councillors on the implementation and enforcement of the local development framework - i.e. planning applications, enforcement cases and conservation matters, and other related matters, may be taken to the Planning Committee. There are strict rules relating to the role of Councillors in this 'regulatory' function.

3.37 Elected members may represent the interests and views of local individuals or (more often) local groups in their locality. For example, concerned parties may choose to lobby their elected ward councillor on planning issues affecting their local area. An alternative is to approach a Cabinet Member or Shadow Cabinet Member in the main opposition party. Registering items in the public forum part of the agenda of local Ward Forum meetings is another avenue for raising planning issues with elected members - provided that people do not wish to discuss individual planning applications - as Ward Forums cannot discuss these.

3.38 The Council has drawn up a Code of Conduct for elected members in relation to planning matters. The Code sets out the standards of practice for both Planning Committee members and members generally. Members are expected to abide by this code at all times<sup>6</sup>.

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<sup>6</sup> This is available on the council's web site at:

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/faqs/#determination](http://www2.ealing.gov.uk/services/environment/planning/planning_services/faqs/#determination)

Click on the heading "How is the application determined?" and then the link for the Code of Conduct for Members in relation to Planning Matters.

## 4. Community Involvement in the Local Development Framework

### The Local Development Framework

4.1 Ealing Council is responsible for preparing a **Local Development Framework (LDF)** to guide development in the borough. This framework includes the adopted and saved unitary development plan (Plan for the Environment), and a range of adopted supplementary planning guidance. These documents will be in place until superseded by the adoption of new **development plan documents**. These are subject to examination in public by an independent inspector. Along with the London Plan, they will form the statutory development plan for Ealing. The following development plan documents are being prepared currently:

- **Development Strategy 2026** – this is the Ealing's core strategy for planning and development over the period from 2011 to 2026;
- **Development Sites** policy document – this is Ealing's site specific allocations document;
- **Development Management** policy document – comprising generic policies to guide applications for development;
- **Proposals Map** - which will detail how the Council's intentions for planning and the environment will be achieved on the ground;
- **West London Plan for Waste** – Ealing is working with neighbouring boroughs to provide policies on the development of facilities for sustainable waste management.

4.2 Each of the above documents will be subject to **Sustainability Appraisal**, and the documents setting these out will be available in the local development framework. They provide a check on how far the LDF contributes to sustainable development. The appraisal will assess the social, environmental and economic effects of each of the development plan documents and the community will be consulted on these appraisal documents.

4.3 Accompanying the development plan documents is an **Infrastructure Delivery Plan**, indicating the utilities, transport, schools, health, leisure and open space facilities required over time to support planned housing and commercial development.

4.4 **Supplementary Planning Documents (SPDs)** provide further guidance on policies and proposals included in the UDP and in the above development plan documents.

4.5 There are also process documents within the local development framework, namely –

- **Local Development Scheme** that outlines the Council's work programme for delivering the various documents in the Local Development Framework. The Council will keep the LDS under review, and will publish updates as required;
- **Statement of Community Involvement (SCI)** –our service standards for community involvement in planning; this is supplemented by **Engagement Plans** for particular phases of LDF production.
- **Annual Monitoring Report (AMR)** – a document that will check our progress with implementing the Local Development Scheme and outlines how our planning policies are being achieved. As with all other documents in the LDF, interested individuals and organisations are invited to comment on the AMR.

4.6 Finally, there are **Background documents**, including research that will inform the production of LDF documents, e.g. a housing capacity study and employment land review; also good practice documents, such as streetscape guides. These documents may have

status as evidence in decisions on the Local Development Framework and in planning applications, but the only documents which are recognised as strong material considerations are the development plan documents, and to a lesser extent, the supplementary planning documents.

4.7 All of these documents and the whole of the LDF process – defined as ‘local spatial planning’<sup>7</sup> - include community involvement from the outset. This involvement must meet the standards set out in the Statement of Community Involvement, and development plan documents cannot be adopted unless compliance with the SCI is formally certified.

### How will we consult on Development Plan Documents?

4.8 Each Development Plan Document that the Council prepares has to go through a number of stages, with consultation taking place at certain points along the way. The flowchart in Figure 2 below outlines these stages. Appendix 2 sets out the different methods that we will use to consult with different stakeholders on documents in the Local Development Framework.

Figure 2<sup>8</sup>

#### Main Stages in Preparation of a Development Plan Document (DPD)



4.9 The details of this process in relation to each of Ealing’s development plan documents are set out in the Local Development Scheme, and there is further guidance in government’s PPS12 ‘Local Spatial Planning’. It is nevertheless useful to highlight some aspects here.

4.10 **Preparation** – evidence gathering and frontloading community involvement i.e. setting up the procedures for dialogue and consultation events with interested parties, including residents, developers and landowners; also making links with other strategies, particularly the Sustainable Community Strategy and the on-going work of the local strategic partnership. It is the time for identifying spatial planning issues and options, scoping and initiating sustainability appraisals, and, with community involvement, analysing the best options and moving towards initial plan proposals.

4.11 At **Publication**, the local authority is required to publish the documents it proposes to submit to the Secretary of State. These documents include the draft development plan

<sup>7</sup> See Planning Policy Statement PPS12, June 2008, Department of Communities and Local Government.  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pps12lsp.pdf>

<sup>8</sup> This diagram is borrowed from Bristol City Council’s Statement of Community Involvement.



document and any changes to the proposals map; a sustainability appraisal report, reports on community involvement and any other relevant supporting documents. It is expected that interested parties will make representations. This process should assist local authorities to review the representations and to consider what, if any changes should be made to the draft development plan document before submission. These must be taken into account by the inspector at the examination.

4.12 **Submission** is the stage at which the documents are submitted for examination. Once the representations have been summarised, all specific documentation and information should be submitted to the Secretary of State with the representations that have been received in addition to the development plan document.

4.13 The **Examination** stage is when an independent inspector considers whether the development plan document complies with the legislation, i.e. has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement and the Regulations; has been subject to sustainability appraisal; has regard to national policy; conforms generally to the Regional Spatial Strategy; and has regard to any sustainable community strategy for its area. The inspector must also consider whether the document is sound, i.e. -

- justified
- effective
- consistent with national policy.

4.14 Having overseen the organisation of the examination in public, the inspector then presides over a series of hearings on matters that require consideration, and can hear submissions from interested parties. There is then a period the inspector to write a **Report** of the examination. When this is completed, it is binding on the local authority. Subject to the inspector's findings, the authority is then able to decide on **Adoption** of the development plan document, having incorporated any amendments arising from the inspector's report and published the document in its final form. A six-week period for legal challenge exists at this stage, after which the Development Plan Document can be formally adopted and incorporated into the Local Development Framework.

### **How will we consult on Sustainability Appraisals of the Development Plan Documents?**

4.15 A key aim of the Local Development Framework (LDF) is to contribute to the delivery of sustainable development. To ensure that this is achieved, the local development documents prepared, as part of the LDF will be subject to an ongoing Sustainability Appraisal (SA) process, incorporating the requirements of the European Union Directive on Strategic Environmental Assessment (SEA).

4.16 Sustainability Appraisal is a requirement under the Planning and Compulsory Purchase Act 2004. The purpose of the sustainability appraisal process is to identify and address the social, environmental and economic effects of the various strategies and policies in a local development document. This process forms a critical element of the Local Development Framework preparation and runs alongside the development of each of the Development Plan Documents.

4.17 **Step 1** of the process is to prepare a Scoping Report. This will be at stage 1 of preparation of the DPD, in order to ensure that the DPD is developed in line with sustainability objectives. The European Union SEA Directive sets out the consultation requirements. The Council must consult with the Countryside Agency, English Heritage, English Nature, Environment Agency), and other appropriate social and economic consultees as it sees fit.

4.18 The Scoping Report will cover the scope of the sustainability appraisal to be undertaken, the key sustainability issues that are likely to be raised by production of the DPD, and possible options for solutions to these issues. Consultation at this stage helps to ensure that the Sustainability Appraisal will be comprehensive and robust enough to support the development plan document during the later stages of full public consultation and examination.

4.19 **Step 2** is to undertake the Sustainability Appraisal i.e. while the DPD is being prepared. This will involve developing the Sustainability Appraisal through consultation with relevant stakeholders, at the same time as we are consulting on 'issues and options'. Formal consultation on the Sustainability Appraisal Report will be undertaken at the publication stage.

4.20 Consultation on the Sustainability Appraisal Report must comply with the requirements of the SEA Directive and requirements for consultation on the plan. The findings of the sustainability appraisal and any consultation responses received will be taken into account by the Council and the decision-making process for making changes to the DPD arising from these inputs will be recorded.

4.21 Once the DPD has been adopted, the Council will issue a statement summarising the Sustainability Appraisal results and how consultees' opinions were taken into account, the reasons for the options chosen (i.e. a particular policy approach or site allocation), and proposals for monitoring, in relation to any recommended changes. The SA Report will be made available to the public and other stakeholders alongside the adopted DPD.

### **How will we consult on Supplementary Planning Documents?**

4.22 The aim of Supplementary Planning Documents (SPDs) is to explain and provide more detail on the policies and proposals contained in the Council's Development Plan Documents. For example, Council has prepared an SPD that will provide guidance for homeowners on residential extensions and home improvements. The process for preparing SPDs is similar to the process for developing Development Plan Documents, except that the Council does not normally need to produce a Sustainability Appraisal, and the documents do not have to be submitted to an Independent Examination by an Inspector.

4.23 The Council is committed to involving the community in the production of Supplementary Planning Documents, although the level and type of involvement will vary according to the document being prepared. Ealing's Local Development Scheme sets out which Supplementary Planning Documents we will be preparing and when consultation on these documents will take place.

4.24 The Council will consider all the comments it receives on draft Supplementary Planning Documents and make any changes it feels are appropriate. It will publish a summary of the main issues raised and explain how they have been addressed. The final ("adopted") Supplementary Planning Document will include a statement explaining what consultation has been undertaken and how the Council addressed the issues raised by the consultation.

4.25 Documents produced to guide the development of sites or areas, but which are not prepared in the context of the SPD procedures, will have little weight in decisions on planning applications.

4.26 The different methods that we use in developing policy documents within the Local Development Framework, broken down by stakeholder group, are indicated at Appendix 2 below.



## **How will we report back on consultations on Local Development Documents?**

4.27 This section of the SCI sets out how Council will deal with representations that are received from the community during the preparation of local development documents. It also sets out how we will report back on changes made as a result of any community involvement.

4.28 Ealing Council recognises that an essential element of public participation is feedback to those who respond, reporting back on the outcomes resulting from their input. The Council is committed to informing the community about the results of consultation.

4.29 Results will be communicated in a timely manner, however the actual period of time between the events and reporting back will vary, depending on the complexity, scale, and interest associated with the consultation programme. The Council will aim to publish the results within 2-3 months of the close of the consultation period, before the political reporting process (for adoption of supplementary planning documents or submission of development plan documents to examination) is complete.

4.30 Discussions with key stakeholders will form the basis for drafting development plan documents for the consultation period. All stakeholders involved in these discussions will be notified of the availability of the draft document on the date that the consultation period commences.

## **Feedback on Consultation on Local Development Documents**

4.31 Following each public consultation stage, the Council will respond to the representations received in the following ways:

- Allocate each respondent a unique reference number and log the representation in a database.
- Write/email to respondents to acknowledge receipt of their representations.
- Give full consideration to all of the representations received and engage in further discussions where this will assist us in developing the Development Plan Document.
- The Council may contact consultees where necessary to clarify any points raised. Investigate any issues, options and points raised by the consultation process.
- Prepare a report summarising the representations received, and the Council's response to these. The report will be considered by the Local Development Framework Advisory Committee or, if appropriate, by Cabinet. It will also be made available on the Council's website ([www.ealing.gov.uk/planpol](http://www.ealing.gov.uk/planpol)) and at the Council's Environment Services Customer Reception, and in all borough libraries.
- Notify all consultees by either email or letter, to explain where and when the report on the outcome of the consultation process will be made available. All consultation response forms will include an option to receive the report by email or to be sent to a postal address.

## 5. Community Involvement in proposed Development and Enforcement

### How will we consult on developers' proposals?

5.1 This section sets out what types of community involvement may be appropriate for different types of planning application (i.e. applications for full or outline permission, Lawful Development Use Certificates, Conservation Area consents, Listed Building consents and Advertisement consents), and at which stage in the application process, (i.e. pre-application, application and post-application). The level of consultation that will be required will vary from application to application, depending on the scale and nature of the development, and the extent of the impact of the development on the community.

5.2 Before considering proposed development which can be determined by Ealing Council, it should be explained that there are separate provisions for 'strategic' proposals that are considered by the Mayor of London, and even larger 'nationally significant' projects. It is expected under the Infrastructure Planning legislation<sup>9</sup> that applicants will be responsible for consulting with the community on their proposals at the pre-application and application stages of the scheme. The Council will assist the promoters of such projects in identifying the appropriate groups, bodies and others who they should be consulting at the pre-application and application stages of the scheme. Developers are expected to have a Statement of Community Consultation (SoCC) and required to –

- consult the relevant local authority on what should be in the promoter's SoCC, which will describe how the promoter proposes to consult the local community;
- have regard to the local authority's response to that consultation in preparing the SoCC;
- publish the statement in a locally circulating newspaper, and as required by secondary legislation, and carry out consultation in accordance with the SoCC;
- consult a range of statutory consultees;
- set a deadline of at least 28 days by which responses to consultation must be received;
- notify the relevant authority of the proposed application;
- publicise the proposed application in accordance with regulations in secondary legislation;
- have regard to relevant responses to publicity and consultation; and
- prepare a consultation report.

The Council will forward as part of their Local Impact Report any observations that have been submitted regarding a Nationally significant Infrastructure Project direct to the Council to the Major Infrastructure Planning Unit who will be responsible for the consideration and determination of these applications.

5.3 This emphasis on early involvement undertaken by the developer is carried through in Ealing's Statement of Community Involvement in respect of those projects for which the local authority is responsible. This is particularly important given that when an application is submitted, the limits of the Council's resources and the statutory timeframes for assessing planning applications will need to be taken into account in determining the level of consultation. The nature of the consultation required before and during the formal stages will usually be better-defined following discussion with planning officers at the pre-application stage.

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<sup>9</sup> Planning Act 2008 – Guidance on pre-application consultation. DCLG

## What role do developers have to play in the consultation process?

5.4 For reasons indicated above, it is very important that applicants engage with the Council at the pre-application stage. The objective of pre-application discussions should be to confirm whether the principle of development is acceptable, and to clarify the format, type and level of detail required to enable the authority to determine an application. The Council strongly encourages developers to engage with the community at the pre-application stage. This ensures that the proposal benefits from community views from the beginning of the planning process. It may also reduce objections made later in the process.

5.5 The applicant will be advised by the Council to undertake consultation with the community in a form and to a level that is appropriate to the scale of development proposed. In any event, developers proposing large scale, major or significant development will be expected to follow the set of ground rules defined in Appendix 3 below. Before submitting an application, developers should detail the pre-application involvement that has taken place, in a **Consultation and Involvement Statement**. Developers should invite participants to verify the Statement and any observations made by the participants at this stage should be added to the Statement. The Consultation and Involvement Statement must be submitted with the planning application. Pre-application discussions with the Council will help to establish the consultation that the Council considers suitable, in line with the guidance outlined in this document. This will help to identify key issues at an early stage. The Council may liaise with umbrella community groups/forums to assist the Council in identifying the appropriate groups with which the applicant should communicate.

5.6 Where an applicant holds discussions with community groups or individuals during the pre-application stage, they should inform these same people of the submitted proposals. This will allow those consulted to be aware of any changes as a result of their discussions.

5.7 On many small-scale applications, the applicant will not need to undertake pre-application consultation with the community. The consultation process undertaken by the Council will be sufficient.

5.8 When significant developments are planned, it is important that the Council can discuss these fully with the applicant and the developer before the application is submitted. In some cases the application will be so significant that the Mayor of London and/or National Planning Casework Unit and/or National Unit for Land acquisition and Disposal and/or the Planning Inspectorate (on behalf of the Secretary of State) may also have to be informed of the proposal". It should be noted that the Secretary of State is not unable to discuss the merits of any scheme at pre-application stage, nor can the Secretary of State be involved in any post application meeting. This is because of the quasi-judicial role of the Secretary of State in the planning process.

## When can we use Planning Performance Agreements?

5.9 A Planning Performance Agreement (PPA) is an agreement between the local planning authority and a potential applicant, to provide a project management framework for handling development proposals. As advised by government's Advisory Team on Large Applications (ATLAS)<sup>10</sup>, Ealing Council has adopted a formal charter, indicating how large and complex

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<sup>10</sup> Guidance Note: Implementing Planning Performance Agreements, ATLAS Planning, 2008, particularly paragraphs 2.2, 2.5 and 3.2.5. [http://www.atlasplanning.com/lib/libDownload/351/080404\\_PPA\\_Guidance\\_Web\\_Download.pdf?CFID=2192431&CFTOKEN=95659439](http://www.atlasplanning.com/lib/libDownload/351/080404_PPA_Guidance_Web_Download.pdf?CFID=2192431&CFTOKEN=95659439)

projects will be dealt with through planning performance agreements in Ealing<sup>11</sup>. It allows for early consideration of the impacts of major development alongside engagement with the local community.

5.10 The Ealing charter confirms that the Council is, and expects prospective applicants to be, committed to open and constructive community involvement. Appropriate local consultation will be established by the Council and applicant with the appropriate local amenity and resident groups.

5.11 Ward Members, and where appropriate the Chair and Vice Chair of the Planning Committee, will be involved at early stage of the pre-application process to develop an understanding of the issues and raise their own issues and concerns that they wish to be addressed. Members should not express views about the overall planning merits if they are contacted prior to determining applications at the Planning Committee and should not engage with any developer interest in the scheme.

5.12 Notwithstanding this, the Council will also undertake separate consultation as part of the formal planning application process.

5.13 The developer/applicant will be encouraged to undertake their own community consultation directly, the results and responses to which should be incorporated into their Statement of Community Involvement submitted with the application.

5.14 The ATLAS guidance suggests that projects which might be regarded as complex, and appropriate for planning performance agreement, include:

- proposals that meet a local authority's identified strategic objectives as set out in the Local Development Framework (LDF);
- proposals requiring an Environmental Impact Assessment;
- larger sites that include a variety of land uses;
- proposals that have an impact on strategic areas of environmental sensitivity, i.e. a Special Protection Area or sites where there are many constraints to be resolved before the development can be delivered;
- proposals involving significant non-standard planning obligations;
- proposals which require referral to a central or regional government body;
- proposals which would have significant impact on existing communities and therefore require expansive consultations or involvement from many different stakeholders, interest groups, statutory agents, etc; and/or
- proposals that is unique to a local authority's experience.

Later guidance also indicated that PPA's could be used for 'smaller projects in a streamlined form' (PPA Practice Note (ATLAS 2010)).

5.15 The guidance suggests that these types of project is likely to require a significant input from the Greater London Authority (where they are not the lead authority), government and non-government agencies, environmental bodies and/or specific consultees. The PPA project plan should therefore be used to identify the need to bring these agencies into the process as early as possible. Early engagement with all such bodies should allow the LPA and the

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<sup>11</sup> Planning Performance Agreements: report to Ealing Cabinet and Appendix 26<sup>th</sup> January 2010. Available at: [http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/pre\\_application\\_advice/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/pre_application_advice/) Click on the Planning Performance Agreements heading at the top of the page and then the link to the PPA charter.

applicant to plan their community engagement strategy better, so as to ensure transparency and openness.

5.16 Moreover, the planning system requires local authorities to engage communities in shaping places. To ensure that community engagement is effective and meaningful, LPAs and developers should start early, continue to communicate and ensure as many people as possible feel able to make a difference to their area. PPAs are an ideal opportunity to structure this by identifying the preferred approach to community engagement (which may be based on the Statement of Community Involvement), including the identification of the communities to involve, the process of engagement and approach to incorporating their views, feedback and evaluation methods.

### **How will we assess pre-application consultation undertaken by developers?**

5.17 The extent to which pre-application consultation undertaken by a developer can be taken as contributing to any requirements of the SCI will depend upon a number of factors, including:

- The extent and scope of pre-application discussions held with the Council and the community;
- The extent to which the developer has consulted with the community in accordance with the Council's recommended approach;
- How transparent and inclusive the process of consultation has been;
- The submission of a 'consultation and involvement' statement with the application setting out the degree to which potential problems and possible public objections, which were identified at the initial pre-application stages, have been addressed.

5.18 It should be noted that any pre-application consultation undertaken by the applicant is not a substitute for the statutory consultation that will be undertaken by the Council following the submission of a planning application.

### **How will we publicise planning applications that we receive?**

This section sets out how the Council will provide the opportunity for residents, businesses and other interested parties to comment on proposed developments that may have an impact on them.

5.19 Publicising planning applications is important because it gives people a chance to comment on proposals that may affect their quality of life in the future.

5.20 The sort of publicity that is appropriate for each application will depend on the type of application. The Council will determine what is appropriate in each case, either by letter, site notice, newspaper advertisement or a combination, subject to the statutory minimum requirements for consultation as set out in the Town and Country Planning (General Development Procedure) Order 1995 and in any other relevant Order or Direction (including amendments). To ensure a consistent approach to consultation on planning applications, the Council has prepared a Code of Conduct on Neighbourhood Notification. It is available on the council's web pages under "Consultation on planning applications and how to comment" at:

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/planning\\_permissions/#consultation](http://www2.ealing.gov.uk/services/environment/planning/planning_services/planning_permissions/#consultation)

### **Notification by Letter**

5.21 Not all types of applications received by the local planning authority require neighbour consultation, such as applications for Certificates of Lawfulness for Proposed Developments,

prior notification applications (such as for certain types of telecommunications developments) and applications for works to trees located in conservation areas or subject to Tree Preservation Order protection. For those applications that require neighbour notification the consultees (neighbours and other parties who may be affected by a proposal) will either be notified of the receipt of planning applications by site notice or letter giving them 21 days in which to comment to the Council. This period starts from the date of the site notice or letter of notification. Whilst there is no statutory obligation to publicise changes to applications once they are accepted as valid a period of 14 days is normally given in respect of cases where re-notification is considered appropriate, e.g. as a result of the receipt of amended plans. The Council will consider any comments made when it assesses the application. Any representations which are received by the Council will be acknowledged but correspondence will not be entered into. Anyone who makes representations to the Council will also be notified of the final decision on the application. The Code of Practice for Neighbour Notification on Planning Applications is available on the council's web pages under "Consultation on planning applications and how to comment" at:

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/planning\\_permissions/#consultation](http://www2.ealing.gov.uk/services/environment/planning/planning_services/planning_permissions/#consultation)

5.22 Unlike planning applications there is no requirement for the Local Planning Authority to publicise applications for Certificates of Lawful Use or Development. For applications for a Lawful Development Certificate for a Proposed Use or Development no neighbour notification will be carried out as decisions have to be made on purely legal grounds and the planning merits of the proposal cannot be taken into consideration

5.23 For applications for a Lawful Development Certificate for an Existing Use or Development, however, the Council will notify neighbours as they may well be best placed to either confirm or contradict the assertions made in support of such applications. However, any representations should be made on the basis of factual information relating to the use or development subject to the application rather than the planning merits of the use or development. In terms of 'operational development' such as the construction of buildings it will be necessary for an applicant to prove, on the balance of probability, that the building works concerned were substantially completed more than 4 years before the submission of an application. In respect of the material change of use of a building to a residential use, including the conversion of a dwelling or dwellings into a greater number of residential units, it is also necessary for an applicant to prove that such a use has been undertaken for a period in excess of four years before the submission of an application. For all other uses of land and/or buildings it will be necessary for an applicant to demonstrate that the use has been carried out for a period of 10 years prior to the submission of an application.

### **Site Notices and Public Notices in the Press**

5.24 A statutory site notice and written confirmation of display is also necessary for other types of applications, for example:

- applications in a Conservation Area and Listed Building Consent;
- Proposals that are a "departure" from the Unitary Development Plan [UDP], the Council's planning policy document and;
- proposals that require an Environmental Assessment or those that affect a public right of way.

Site notices are displayed for at least seven days and people have 21 days to respond, in a similar manner to written notification. There is also a legal requirement, in certain circumstances, for the Council to advertise certain applications in the local press. Examples of these applications include: all those in Conservation Areas or affecting Listed Buildings;



applications for ten or more houses or developments of over 1000m<sup>2</sup>; departures from the UDP and; developments that may affect those other than immediate neighbours.

5.25 Applications for Lawful Development Certificates for an Existing Use or Development will also be publicised on the Council's website and representations can be made electronically in the same way as with a planning application.

### **Notification on the Planning Services Webpage**

5.26 The following information is available on the Planning services website a [http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/)

- Planning advice - your questions answered - This is general planning advice and redirects you to an external website.
- How to comment on a planning application
- Planning application forms, guidance and checklists
- Permitted Development Guidance Leaflet (pdf)
- Ealing Council works in partnership with the Planning Portal (opens in new window) to provide information about the planning system:
  1. Comprehensive guide to planning
  2. Appeals guidance
  3. Submit your appeal online
  4. Search for an appeal online
  5. Submit your application online
- Committee agenda and reports - Decisions determined by the planning committee can be viewed at [http://www2.ealing.gov.uk/services/council/committees/agendas\\_minutes\\_reports/regulatory\\_committees/planning\\_committee/](http://www2.ealing.gov.uk/services/council/committees/agendas_minutes_reports/regulatory_committees/planning_committee/)
- Address search - Search for planning information related to your address or postcode. This information can be viewed at [http://gis.ealing.gov.uk/propertyaccount\\_plan/Plan-AddressBuilder.asp](http://gis.ealing.gov.uk/propertyaccount_plan/Plan-AddressBuilder.asp)
- Planning application search - Search for new applications, enforcement, decisions and TPO's. This information can be viewed at <http://www.pam.ealing.gov.uk/portal/servlets/ApplicationSearchServlet>
- Planning decisions search - List of planning decisions updated weekly. This information can be viewed at <http://www.pam.ealing.gov.uk/portal/servlets/WeeklyListServlet>
- Weekly planning list - List of planning applications updated weekly. This information can be viewed at: <http://www.pam.ealing.gov.uk/portal/servlets/WeeklyListServlet>
- Conservation - Conservation areas in the borough and how we preserve and enhance them. Information on conservation areas and issues can be viewed at: [http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/conservation/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/conservation/)
- High hedges - Since 1 June 2005 local council's have had new powers to assist residents who have concerns about the height of a hedge. Information on this issue can be

viewed at

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/high\\_hedges/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/high_hedges/)

- Planning enforcement - Information about the enforcement of planning regulations.

Further information can be viewed at

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/planning\\_enforcement/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/planning_enforcement/)

- Planning permission - Information and guidance on submitting a planning application.

Further information can be viewed at

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/planning\\_permission/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/planning_permission/)

- Pre-application guidance - Information on how to obtain advice prior to submitting a planning application. Further information can be viewed at

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/pre\\_application\\_advice/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/pre_application_advice/)

- Private land - Boundaries, fences, alleyways and information on private land. Further information can be viewed at

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/private\\_land/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/private_land/)

- Telecommunications register - A register of all known licence notifications, prior approval and planning application decisions for telecommunication developments. The register can be viewed at

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/register/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/register/)

- Hazardous substance register - consists of a record of all known consents applied for under the Planning (Hazardous Substances) Regulations 1992. The register can be viewed at

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/h\\_register/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/h_register/)

- Contact us - Contact details for planning services can be found at

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/contact\\_us/](http://www2.ealing.gov.uk/services/environment/planning/planning_services/contact_us/)

## **How can you find out more about individual planning applications?**

5.27 Planning Application Search is a search facility to query the applications that the Council has on its register. You are able to search for applications based on various criterion including address details, date received and date determined. This search facility can be accessed at: <http://www.pam.ealing.gov.uk/portal/servlets/ApplicationSearchServlet>

5.28 If you want to find out more about a particular application full details, including application forms, all drawings and any supporting documentation, are available for inspection electronically on the Council's website. If you do not have access to a computer you can view the information in the Customer Services Centre at Perceval House, Uxbridge Road, where two dedicated workstations are available for public use.

5.29 The Council also holds records of historical planning applications and these can be made available on request. Some records are held on microfiche, which can be viewed in the Customer Services Centre, and others are available in paper form, although these are held off-site and will take at least 24 hours to be requested and delivered to the Customer Services Centre for inspection.



5.30 In addition the Council provides a duty planning officer service where a planning officer is available to give general advice about planning issues for any enquiries that cannot be dealt with by Customer Services staff. This service is currently available at Perceval House, Uxbridge Road, between 09:00 hours and 16:45 hours, Monday to Friday (excluding Bank Holidays).

5.31 Where paper copies of any planning application documents are required these can be provided, upon request, by Customer Services staff. Some records will not be available immediately and may take at least 24 hours to be retrieved. There is also a charge for this service.

### **How will we deal with your objections?**

5.32 If, after having considered the information provided, you wish to make comments on a planning application, the Council will deal with these in the following manner.

5.33 Your comments should be submitted in writing. If you submit your comments electronically you will receive an e-mail acknowledgement of the receipt of your comments that will be passed to the planning application case officer. If you submit your comments by letter you will receive a letter from the Council acknowledging that your comments have been received and your letter will be passed to the case officer. The case officer will consider all representations received as part of the assessment of the application. The case officer will then prepare a report on the application, which will include a summary of all representations that have been received, and the Council's response to the comments received. The application report will be available for the public to view, but the procedures differ between those cases determined by officers' under delegated powers and those cases referred to the Planning Committee for determination. For applications determined under delegated powers the officers' report will be available on the Council's website on the Planning Application Search facility – the report will generally be available for inspection around 1 week after the decision on the application has been made. If the application is to be considered by the Planning Committee the report can also be downloaded from the Council's website at: [http://www2.ealing.gov.uk/services/council/committees/agendas\\_minutes\\_reports/regulatory\\_committees/planning\\_committee/](http://www2.ealing.gov.uk/services/council/committees/agendas_minutes_reports/regulatory_committees/planning_committee/)

These reports will be available for inspection 1 week prior to the Planning Committee date. Where a case is to be considered by the Planning Committee, the Council will write to anyone who has made representations to advise them of the date of the Committee meeting, and to inform them how they can register to address the Committee.

### **What is the consultation process for amendments to planning applications?**

5.34 Where amended plans are submitted in respect of current planning applications under consideration by the Council, Planning Services follows the advice provided by central government contained within Circular No. 15/92: Publicity for Planning Applications. At paragraph 25 of this document it is confirmed that: "There is no statutory obligation on local planning authorities to publicise changes to applications once they are accepted as valid...Nevertheless, such matters are often of most concern to objectors. It will be at the discretion of the local planning authority to decide whether further publicity is desirable, taking into account the following considerations:

- (a) were objections or reservations raised at an earlier stage substantial and, in the view of the local planning authority enough to justify further publicity?
- (b) are the proposed changes significant?
- (c) did earlier views cover the matters now under consideration?

- (d) are the matters now under consideration likely to be of concern to parties not previously notified?

The following section sets out the notification procedures on amendments.

### **Significant amendments to planning applications**

5.35 Where a major amendment is submitted, all neighbours that were consulted on the original application, and relevant consultees, will be re-notified. Site notices and press notices will, however, not generally be repeated unless the scale of the proposal is such that full re-notification is considered to be appropriate. A new consultation period (of 10, 14 or 21 days depending on the significance of the amendments) will commence from the date upon which the amendments were re-notified, and details of the amendments will be placed on the Planning Services website.

### **Post-decision: Minor amendments to planning applications**

5.36 The Council has an established Code of Practice for Minor Amendments to Planning Permissions. This Code states that the Council will accept the following as minor amendments:

- Changes where the resulting scheme is reduced in size in any dimension, and this does not compromise the overall design in relation to normal criteria, particularly in conservation areas.
- Where there is a reduction in the number and size or location of any openings, and this does not compromise the overall design in relation to normal criteria, particularly in conservation areas.
- Where there is no material impact on any neighbours or other statutory and non-statutory bodies, and the resulting scheme remains within the description of development on the decision notice, the fee paid and is within the adopted policies of the Council.

5.37 If a proposed amendment does not meet the criteria set out in the Code of Practice a revised application will be invited and, when submitted, neighbours will be notified of the new application.

### **How do we determine planning applications?**

5.38 The formal decision whether to grant or refuse a planning application can be made by either:

- a. the Planning Committee; or
- b. under delegated authority by named senior officers.

The Council has an established Code of Practice for Minor Amendments to Planning Permissions that have already been granted planning permissions<sup>12</sup>. A definition of 'minor amendment' is included in the Glossary. This Code sets out how Ealing's Planning Services will consider minor amendments, so that applicants and their agents, as well as other interested parties, including neighbours, can understand the basis for any decision.

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<sup>12</sup> Available on the council's web site at:

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/faqs/#amendment](http://www2.ealing.gov.uk/services/environment/planning/planning_services/faqs/#amendment)

Neighbours will not be notified of minor amendments. If a proposed minor amendment does not meet the criteria set out in the Code of Practice, a revised application will be invited and, when submitted, neighbours will be notified in accordance with the procedures set out in this document. In addition, the Government has produced guidance, in October 2010, relating to minor material amendments to approved planning proposals which confirms that developers can apply, under the terms of Section 73 of the Town and Country Planning Act (which allows changes to the conditions applying to existing permissions) if the permission includes a suitable condition listing approved plans. The guidance contains a definition of 'minor material amendment' stating that: *"A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved."*

5.39 Authority has been delegated to Team Leaders, Team Managers and the Head of Service; the level of authority depends on the nature and complexity of the application.

### **Decisions made by the Planning Committee**

5.40 The majority of applications are determined by senior officers under delegated powers, but some are determined by the Planning Committee. The Planning Committee comprises a group of elected Members who currently meet on a three-weekly cycle to determine applications that are complex and/or controversial in nature, for example:

1. Where the Chair or Vice Chair of Planning Committee has requested that the application be determined by Committee and has given written reasons.
2. Where a conservation area panel, local amenity group, registered residents' association, ward councillor or a statutory consultee has made a valid planning objection, and the recommendation is not to refuse permission, and the Chair or Vice Chair of Planning Committee has agreed that the application be determined by Committee and has given written reasons.
3. Where the Proper Officer has decided that the application is appropriate to be determined by Committee.
4. Where the Committee has requested that the application or type of application in question be determined by Committee, and this request has been minuted, and that the request was made less than one year previously.
5. Where the application seeks permission for development falling into one or more of the following categories and the recommendation is not to refuse permission:
  - a. Office floor space in excess of 2,000 sq.m.
  - b. Retail floor space in excess of 2,000 sq.m.
  - c. Industrial warehouse floor space in excess of 5,000 sq.m
  - d. Residential development consisting of 15 units more or 0.5 hectares.
6. Where applications which are advertised as a departure from the Unitary Development Plan/Local Development Framework are recommended for approval
7. Applications for deemed consent by the Council, except for details pursuant to conditions or applications that raise no significant issues.
8. Applications requiring referral to other statutory bodies or determination and not otherwise covered by the categories above.

9. Applications which have previously been recommended for approval by Committee subject to completion of a s106 agreement, and the permission has not been issued within 2 years of that recommendation.

5.41 At the Planning Committee the Members are provided with a report prepared by the planning case officer that gives details of the development, details of any representations that have been received, an assessment of the development (including consideration of relevant UDP policies) and the Council's recommended decision to grant or refuse. Conditions or reasons for refusal are also included in the report, as are details of any Legal Agreement where required. The report is then debated by the Committee and a decision made to grant, refuse or defer the application. Members of the Committee must abide by "The Code of Conduct for Planning Committee Members" in relation to planning matters<sup>13</sup>.

5.42 The Council gives an opportunity for public speaking at the Planning Committee. Anyone who has commented on an application has the right to request to speak against an application at the relevant Committee meeting but, due to the number of applications considered at Committee and the resultant time constraints, normally only one person will be given this right, although the Chairman does have discretion to allow additional speakers if they consider this would be appropriate in the particular circumstances of the case. The speaker will be allowed up to three minutes to address the Committee. If more than one person requests to speak then they will be asked to agree between themselves who will be the nominated speaker. If the parties cannot agree then the Council will use a lottery system to decide who will be given the right to speak. Any person wishing to speak must register their intention to attend the Committee meeting with the Committee Clerk by 5pm, two working days before the date of the Committee meeting. If a person speaks against an application then the applicant, or their nominated representative, has a right to respond.

5.43 Following the Committee meeting, the Council will write to anyone who has made representations on an application to inform them of the decision.

### **Decisions made by officers**

5.44 For the majority of planning applications submitted to the Council decisions can be made by senior officers within the service, without reporting the case to the Planning Committee. Where representations have been received on applications determined under delegated powers these will be given full consideration and will be recorded and responded to within the officers' report. The decision will be publicised on the Council's website and the officers' report will also be available for inspection.

### **Planning appeals**

5.45 Applicants have a right of appeal to the Secretary of State if:

- 1/. they are refused permission;
- 2/. they do not receive a decision within the statutory determination period; or
- 3/. they do not agree with any conditions imposed on their permission.

5.46 The timescales within which an appeal may be lodged does vary between different types of application and in respect of appeals against the service of an enforcement notice. Specifically the timescales are as follows:

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<sup>13</sup> This is available on the council's web site at:

[http://www2.ealing.gov.uk/services/environment/planning/planning\\_services/faqs/#determination](http://www2.ealing.gov.uk/services/environment/planning/planning_services/faqs/#determination)

Click on the heading "How is the application determined?" and then the link for the Code of Conduct for Members in relation to Planning Matters.

Planning Appeals - within 6 months of the decision date or the date when the decision should have been made (or 12 weeks if a householder application);

Advertisements - within 8 weeks of the date of the decision;

Listed Building & Conservation Area Consent Appeals - within 6 months of the decision date;

Enforcement Appeals - within 28 days of receipt of the notice or by the date the Enforcement Notice takes effect;

Tree Preservation Appeals - within 2 months of the date of the decision.

5.47 Once the Planning Inspectorate has confirmed that an appeal is valid the Council will notify interested parties in accordance with the statutory requirements. Notification letters will be sent to:

- All the people notified of the original planning application;
- Any persons who made representations on the planning application;
- All ward councillors;
- Internal and external consultees;
- The Chair of the Planning Committee.

In addition, where an appeal is to be dealt with by way of the Informal Hearing or Public Inquiry process a site notice will also be displayed. Notice of a Hearing or Inquiry must be posted on site and advertised in a local newspaper at least 4 weeks before the hearing/inquiry.

5.48 Appeal decisions are available for the public to view as part of the public register, available at the Council's Customer Services Centre, or on the Council's website for applications submitted since 2008. Any persons who objected to the Planning Inspectorate as part of the appeal process will be sent a copy of the decision by them.

### **How can you get involved in the enforcement of planning decisions?**

5.49 One of the most important roles of the Planning Services Department is to ensure that the borough's planning policies are being upheld. The Planning Enforcement Team investigates possible breaches of planning control and takes action in the interest of public amenities.

5.50 When a planning breach is reported, an enforcement officer will visit the property within a certain time frame and assess whether the development is in breach of planning control. The investigation will establish what the most appropriate course of action should be. Sometimes no action is necessary, and often the complaints we receive concerning planning control matters can be resolved without the need to resort to formal enforcement action by the Council.

5.51 The decision to take formal enforcement action is discretionary and must be well founded. The Council has to decide whether it is appropriate and in the public interest to take formal action, following a complete investigation into an alleged breach. Any enforcement action that the authority decides to take is in line with the seriousness of the breach of control it is intended to remedy.

5.52 Breaches of planning control include: -

- An enforcement notice has been served, which is being ignored;
- An advertisement is displayed in contravention of the Advertisement Regulations.
- Building work or a material change of use has taken place without planning permission;

- Demolition of a Listed Building, or a Building in a Conservation Area has taken place without the appropriate consent;
- Development has received planning permission, but the work is not being carried out as shown on the approved plans; or in breach of the planning conditions;
- Failure to comply with the terms of a Legal Agreement (s106 Agreement);
- Removal of protected trees and hedgerows without permission to do so;
- Works affecting Listed Buildings and buildings in Conservation Areas without permission;
- Untidy land.

5.53 The enforcement powers available to local planning authorities are as follows:

- the power to serve a 'planning contravention notice' (PCN) where it appears that there may have been a breach of planning control. In effect, this notice enables the local planning authority to obtain information. It is optional to serve a PCN before considering whether to issue an enforcement notice, or to take other appropriate enforcement action.
- the power to issue an enforcement notice, requiring steps to be taken to remedy the breach of planning control within a given period. There is a right of appeal to the Secretary of State.
- the power to serve a stop notice. This may be served when an enforcement notice is served, or afterwards (but before the related enforcement notice has taken effect). There is no right of appeal to the Secretary of State, but the validity of a stop notice, and the local planning authority's decision to issue a notice, may be challenged by applying for judicial review to the High Court. The local planning authority may be liable for compensation if the serving of the stop notice is found to be inappropriate.
- the power to serve a 'breach of condition notice' where there is a failure to comply with any condition or limitation imposed on a grant of planning permission. This may be served on its own, or in addition to an enforcement notice. There is no right of appeal to the Secretary of State, but the validity of the notice, or the validity of the local planning authority's decision to serve it, may be challenged by application to the High Court for judicial review.
- the ability to seek an injunction, in the High Court or County Court, to restrain any actual or expected breach of planning control. The Planning and Compulsory Purchase Act 2004 introduces the power to issue temporary stop notices, without the need to serve a contemporaneous enforcement notice.
- the power, under Section 215 (s215) of the Town & Country Planning Act 1990 (the Act), in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time

within which they must be carried out. LPAs also have powers under s219 to undertake the clean up works themselves and to recover the costs from the landowner

- the powers, under section 207 of the Act, to issue tree replacement notices (TRNs), where the landowner's duty to replace a tree which is removed in contravention of a tree protection order (TPO) is not complied with under section 206(1) of the Town and Country Planning Act 1990 as amended (the 1990 Act). These powers are also exercised where a tree is removed in a conservation area in contravention of section 211 of the 1990 Act (i.e. without giving the council six weeks' notice) and in circumstances when a condition to plant a replacement tree, on a consent to fell a tree under a TPO, is not complied with.
- the power to remove unauthorised advertisements under Section 11 of the London Local Authorities Act 1995 (as amended). This power enables Councils to serve a notice requiring the removal, within a period of at least 21 days, of any unauthorised advertisement, which was not displayed prior to 1st April 1990.
- the power to remove advertisements benefiting from deemed advertisement consent if they issue a discontinuance notice under Regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended). Unless a condition was placed on the original permission seeking removal of the advertisement after the time period allowed for display.
- A discontinuance notice can only be issued if the Council is satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality (i.e. visual amenity grounds) or a danger to members of the public (i.e. public safety grounds).

5.54 If a member of the public suspects a breach in planning control, they should inform the Planning Enforcement Team at Ealing Council, by email: [enforcement@ealing.gov.uk](mailto:enforcement@ealing.gov.uk) or through Planning Services general enquiries 020 8825 6600. Details can be checked on [www.ealing.gov.uk](http://www.ealing.gov.uk). Alternatively you can raise issues through the duty planner available at the Council's Customer Service centre in Perceval House during office hours.

5.55 On contacting the Enforcement Team you will be asked to provide the following information: -

- a. The address or detailed location of the site
- b. Precise details of the alleged breach
- c. The impact of the development on your living conditions
- d. When the alleged breach started/took place (can be approximate)
- e. The nature of any building work/uses of the property
- f. Current and previous uses of the property
- g. Names, addresses, telephone number of persons involved, e.g. owner, occupier, interested party (if you know this)



h. Your name, address and contact number (anonymous complaints are not investigated)

5.56 Your contact details are requested so that you can be kept informed of progress on the investigation but they are not passed on to the people involved in the alleged breach.

5.57 Once the issue has been investigated there may be cause to take enforcement action. If there is, then the case officer will first try to negotiate a remedy if appropriate. If the negotiation fails, the officer writes a report. The report details the alleged breach(es), the reasons why action should be taken, the planning history of the site, the type of notice that should be served and the action that should be taken to remedy the planning breach. This report is reviewed by a senior officer with delegated powers, or Planning Committee, for their agreement to serve the notice.. The approved reports are available for inspection at the Council's offices on request.

5.58 The Council has a duty to keep a register of all stop notices, breach of condition notices and enforcement notices, which is available for the public to view by prior appointment at the Planning Services Counter of the Council's Customer Service Centre, Perceval House.

### **How can communities get involved in Legal Agreements associated with Planning Approval?**

5.59 For some planning applications, the Council may enter into a legal agreement with the developer. This may be necessary in order to address those impacts of the proposed development, which cannot be dealt with by planning conditions. The Council's powers are set out in section 106 of the Town and Country Planning Act 1990. The agreements are more commonly known as s106 agreements, planning agreements or planning obligations. They are private agreements negotiated between the planning authority and the developer or persons with an interest in the piece of land. They can be unilateral undertakings made by a developer. Government Circular ODPM 05/2005 provides guidance on planning obligations.

5.60 Legal agreements can prescribe the nature of a development, for example by requiring the developer to provide a proportion of affordable housing. They can secure a contribution from a developer to compensate for loss or damage as a result of the development, e.g. loss of open space. Legal agreements are often used to mitigate the impacts of a development, for instance through the provision of increased public transport, education or health facilities in the area.

5.61 If a pre-application discussion is held, it will be desirable to consider if a legal agreement would be appropriate. This will mean that proper consideration will not be constrained by the timescales and targets imposed when a planning application has been submitted. In so far as there is community involvement at this stage, it will include any matters concerning legal agreements.

5.62 In formulating a legal agreement, it is important to get the right balance between the imperatives of sufficient confidentiality, so that effective negotiations can take place between the Council and the applicant, and appropriate transparency so that the outcomes are subject to proper accountability to the affected communities.

5.63 Where the approval of a planning application would have a social impact (i.e. it is classified as a major application and the impact is indicated in the developer's social impact statement), the Council will notify Ealing Community Network and any relevant 'specific consultation body' for comments on what sort of contribution, if any, would be necessary to mitigate the social impact.



5.64 It will also be open to any individual or organisation to comment on the desirability of a legal agreement in relation to a planning application, during the consultation period in respect of the application.

5.65 The subjects to be covered in a legal agreement are set out in a table called the 'Heads of Terms' of the legal agreement. When the Heads of Terms have been agreed with a developer, they will be included in the recommendation in the planning officer's report on the application. If a decision is made to grant permission subject to a s106 agreement, the Heads of Terms will form the basis for the first draft of the agreement, which is placed in the public planning register.

5.66 When the decision has been made, notification will also be given to Ealing Community Network, to relevant consultation bodies and to any individual or organisation, if they have submitted comments on matters relating to a legal agreement during the planning application consultation period, and have indicated that they wish to be kept informed of s106 matters. This must be communicated to the Planning Officer.

5.67 If the legal agreement provides for payments to the Council, further notifications to the above parties can be made on request:

- a. when the first contribution is made. (This will include a schedule of the arrangements for further contributions, and, any arrangements for further consideration of how particular contributions are to be spent. Ealing now commits all new S106 funds, interest and repurposable funds every 6 months. Comments should be made to the relevant ward member invited on the spending of such contributions, within the terms of the legal agreement.)
- b. information on the details of how the particular contributions are to be spent, as soon as this decision has been made. This appears on the following page of the Ealing website - <http://www2.ealing.gov.uk/services/regeneration/section106/>
- c. if a variation to the terms of the agreement is proposed. Comments will be invited on the variation and should be made to Development Control.
- d. information on the agreed variation to the legal agreement, as soon as this decision has been made.

5.68 Please note that the first payment (referred to in clause (i) above) may be some years after the agreement is completed, if, for example, the payments are linked to commencement of the development.

5.69 People in the community not only **demand** provision to meet the social impacts of development; they often **deliver** social provision, i.e. community organisations that provide care, sports or cultural activity. Ealing Community Network is uniquely placed in relation to these matters, and has established local panels which are briefed to advise the local planning authority on local facilities needed to meet the social impacts of development. The project is known as 'ECN Place Shaping'. It is available to respond at both pre-application and application stages, and of course informs negotiation on s106 agreements<sup>14</sup>. As indicated in chapter 4, this and other forms of community involvement are also sought in relation to 'infrastructure delivery planning' and will inform future local consideration of a community infrastructure levy that might replace s106 agreements as the mechanism for establishing developers' contributions to social and community provision.

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<sup>14</sup> Further detail is provided in Ealing's SPD on Community Facilities and draft SPD on Legal Agreements.

## **How can communities get involved in setting tariff for the Community Infrastructure Levy associated to development?**

5.70 The Council is proposing to introduce a Community Infrastructure Levy (CIL) for the infrastructure necessary to address the effect of new development on the existing infrastructure and any funding gap in providing this infrastructure, as highlighted in the Council's Infrastructure Delivery Plan, in place of the present contributions negotiated through an Agreement under Section 106 of the Town and Country Planning Act 1990, as amended. CIL will apply to new buildings and extensions creating 100 square metres of additional floorspace (except if proposed by charities for charitable purposes) or 1 additional dwelling (except if it is affordable housing).

5.71 Once a preliminary draft tariff has been proposed by the Council, in accordance with the requirements of the Community Infrastructure Levy Regulations 2010, a consultation exercise with the local community and stakeholders for at least 4 weeks will be undertaken. Persons can request to be heard before an independent Inspector concerning the proposed tariff. The Council has to accept any modifications to the tariff required by the Inspector (unless it introduces a new tariff and undertakes the necessary consultation) before it is adopted by the full Council.

## **How can you get involved in Conservation Area designations?**

5.72 The Council has a duty to review its Conservation Areas from time to time, to prepare character appraisals, and to give special attention to planning applications for development in Conservation Areas. A Conservation Area is an area of special architectural or historic interest, which has been designated by the Council to help preserve and enhance its character and appearance. Conservation Area Consent is required for the demolition of a building, or the greater part of a building, in a Conservation Area. Consent is unlikely to be granted if the building contributes to the character or appearance of the area.

5.73 As well as the normal planning and building controls that affect all properties, there are some extra controls that apply in Conservation Areas for applications for demolition, alterations and extensions, advertisements and trees. There are additional controls in certain Conservation Areas where Article 4 Directions are in force, requiring a planning application to be made for work which would otherwise have been permitted development.

5.74 Conservation Areas are surveyed and reviewed every 5-10 years to decide whether new areas should be designated, existing areas extended, and which if any, should have their Conservation Area status removed. Local people can get involved in the process in the following ways:

- Talk to local elected members - who will then contact the Council's Conservation officers
- Contact the Ealing Council Conservation Team directly
- Join a local civic/historical association e.g. Ealing Civic Society

5.75 Requests by the public for new and/or extended Conservation Areas are held until the next review. During the course of a review, local residents, businesses and amenity/community and voluntary sector groups (stakeholders) and organisations will be engaged in the process in a variety of ways including:

- Consultation of all owners of buildings in the areas recommended for designation;
- Consultation of all amenity groups, and other groups having an interest in the areas affected by the review;
- Notification of the review on the Council's website and in a press release;
- A public meeting with local residents and interest groups in the area/areas affected by the review.

5.76 The Conservation Team is part of Ealing's Planning Services Department. They can be contacted to discuss current and future designations, and for advice on development proposals in Conservation Areas.

### **How can you get help to put your point of view?**

5.77 There is a great deal of information contained in this document, and in the references to other relevant documents. Contacts are also provided to appropriate Council officers who can help. Independent advice and support can of course be provided by planning consultants, and through the Royal Town Planning Institute's Planning Aid for London group. Contact details are provided at the end of Chapter 6 below.

## 6. Statement of Community Involvement: Preparation, Action, Monitoring and Review

### Is there community involvement in preparing the SCI?

6.1 As a document about community involvement and participation, the Statement of Community Involvement was initially subject to a statutory community consultation process, as is set out in the 2004 regulations<sup>15</sup>. The draft SCI was subject to a period of pre-submission public participation, which began on 24 June and ended on the 23 September 2005.

6.2 The Council considered the responses and feedback received, and made a number of changes to the document. The Council then submitted the SCI to the Secretary of State. The representations received during this period were considered by an independent Inspector at a written examination, which took place in April 2006. The Inspector assessed the SCI against the 'tests of soundness' set out in paragraph 3.10 of the then PPS12 Local Development Frameworks. Following the Inspector's report, which was binding on the Council, the SCI was updated to reflect the Inspectors recommendations and then formally adopted by Full Council on 20 June 2006.

6.3 Ealing's annual monitoring report, published in December 2009, indicated that the adopted SCI needed updating. The legal requirements for the document have changed with the Planning Act 2008 and new regulations<sup>16</sup>. Ealing Council now has discretion on how to update the document. It is no longer necessary to request approval from a government inspector. The Council therefore asked planning consultants Entec to produce a review of the SCI<sup>17</sup>. This was done, and swiftly followed by a draft SCI update produced in discussion with the Ealing Community Network's Planning and the Community Working Group.

6.4 Entec had indicated that although the SCI no longer had to be subjected to independent examination, it was still appropriate for Ealing Council to involve interested parties in the review before a new update is finalised. This updated version of the SCI was published for consultation in September-November 2010. The representations received fed into the new version of this SCI.

6.5 The Council must comply with the general duty in the Race Relations (Amendment) Act 2000 to promote race equality. This means that Council must have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups. The Council also has a duty to comply with the Disability Discrimination Act (DDA) 1995, as amended by the DDA 2005. This places a duty on those responsible for providing a service to the public not to discriminate against disabled people and to make reasonable adjustments to the way they deliver their services so that disabled people can use them to the full. By virtue of the DDA 2005, public authorities must work to eliminate discrimination against disabled people. The Council also has responsibilities under the Data Protection Act 1998, with respect to the information that it holds in the LDF consultation database. Council's policy on data protection is set out on our website at: [www.ealing.gov.uk/council/data+protection](http://www.ealing.gov.uk/council/data+protection). The Council has also applied its equalities impact assessment methodology and equalities action planning to the Statement of Community Involvement. This considers the impact of proposals on different groups in the population

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<sup>15</sup> Town and Country Planning (Local Development) (England) Regulations 2004.  
<http://www.opsi.gov.uk/si/si2004/20042204.htm#2>

<sup>16</sup> The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009.  
[http://www.opsi.gov.uk/si/si2009/pdf/uksi\\_20090401\\_en.pdf](http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf)

<sup>17</sup> Peer review of London Borough of Ealing Adopted SCI and Draft Engagement Plan, June 2010.

before decisions are taken, and indicates any implications for targeted community involvement required.

### **How will the Statement of Community Involvement be turned into action?**

6.6 Consistent with government and local policy, the Council has maintained dialogue with people interested in business, development, the environment and the local area. The adopted SCI has been used as the basis for discussions about community involvement in specific plans and proposals. As experience has been gained, the performance of previous consultation and involvement exercises has informed choices about future community involvement. As from the 2010 SCI review, the Council has entered into a commitment to formulate detailed Engagement Plans for specific phases LDF preparation, and to encourage developers to prepare and use consultation and involvement statements based on the SCI in respect of major development proposals. The first such LDF engagement plan is for the period September to December 2010. The outcomes of this and future rounds of consultation will be reviewed and, if necessary, amendments suggested to the SCI.

### **Who will make the Council comply with its SCI?**

6.7 When preparing a development plan document (DPD) or assessing a planning application, the Council must be able to demonstrate that it has followed the consultation procedures set out in the SCI. A 'Statement of Compliance' must be prepared and submitted for each development plan document that is produced. This statement will demonstrate how the production of the DPD has complied with the standards in the SCI. The Inspector will consider this Statement at the examination stage, and make a ruling as to whether the document is 'sound' in this respect.

6.8 The Council will be required to demonstrate that the consultation processes set out in the SCI have been followed when preparing any other Local Development Document or assessing major planning applications. If this is not demonstrated satisfactorily, the Local Development Document will have to be withdrawn and a major planning application will potentially be capable of being challenged.

### **How can I complain if the Council doesn't comply?**

6.9 The Council has a corporate Complaints Procedure (with full details online at <http://www.ealing.gov.uk/services/homepage/complaints/>) and you can make a complaint about the Planning Service (either Development Management or Planning Policy) by:

**Telephone or email** - contact the relevant service, Development Control: 020 8825 6600 or Planning Policy: 020 8825 5428. You can also phone the main switchboard on (020) 8825 5000. If you have hearing difficulties and have a text phone, call the Council's minicom line on (020) 8825 6543.

**In writing** - write to the relevant service, contact details are provided at the end of this document.

**In person** - visit the main reception of Perceval House, 14/16 Uxbridge Road, Ealing W5 2HL, open weekdays from 9am to 5pm.

### **What we will do**

6.10 We will quickly and thoroughly investigate your complaint. Wherever possible we will do this within 24 hours. If we cannot do this, we will write to you within four working days. We will

inform you who is dealing with your complaint, their phone number and when you can expect a reply.

6.11 We aim to give a full reply within 10 working days of receiving your complaint. If it will take longer we will keep you updated on our progress.

### **What if I am not satisfied?**

6.12 In cases where you are not satisfied with this –

1. Contact the Head of Service and ask for your complaint to be investigated.
2. If you are still unhappy, contact the Director of Services to Communities and ask for your complaint to be reviewed.
3. If you are still dissatisfied, you can write to the council's Chief Executive, Martin Smith, Ealing Council, 5th Floor, Perceval House, 14-16 Uxbridge Road, Ealing W5 2HL, or email him at [mallabub@ealing.gov.uk](mailto:mallabub@ealing.gov.uk). You can also approach your ward councillor or MP.

### **Taking it further**

6.13 If your complaint/appeal relates to a request for information under the Freedom of Information Act 2000 please contact the Information Commissioner:

Information Commissioner,  
Wycliffe House, Water Lane,  
Wilmslow,  
Cheshire, SK95AF  
Tel: 01625 545 745,  
Fax: 01625 545 510

6.14 For any other complaint, if you are unhappy with the Chief Executive's reply, you can ask the Local Government Ombudsman to investigate. For advice on making a complaint, or to make a complaint –

- You can telephone the LGO Advice Team on 0300 061 0614 or 0845 602 1983. The Advice Team is available Monday to Friday from 8.30am to 5.00pm. You can also text 'call back' to 0762 480 4299.
- You can write and send your complaint to:  
The Local Government Ombudsman  
PO Box 4771  
Coventry CV4 0EH  
Fax: 024 7682 0001
- You can make an enquiry by email to [advice@lgo.org.uk](mailto:advice@lgo.org.uk)
- In addition there are online forms on the web site at <http://www.lgo.org.uk/>

### **Judicial Review**

6.15 The general public does not have the right to appeal against planning decisions. The only way to challenge a decision made by a local authority is through the process known as judicial

review. Judicial review is a process for challenging the administrative decisions of public authorities.

6.16 You can apply to the High Court for a judicial review of a decision. Your application must be made within three months of the date that you were informed of the decision made by Ealing Council. For decisions made after public inquiries the courts have ruled that a tighter six-week time limit should apply.

### **What resources will we need to implement the SCI?**

6.17 Where possible, the Council will co-ordinate consultation efforts with other divisions of Council, and will phase consultation on the various local development documents to run at the same time, in order to reduce demands on the community, and to make best use of the Council's resources. Ealing Council will also work with Ealing Community Network where possible, to co-ordinate consultation and communication exercises with the voluntary and community sector.

6.18 Ealing's Local Development Scheme (LDS) sets out the timetable for production of the various documents that make up the Local Development Framework. Consultation processes must fit within the deadlines set out in the LDS. These commitments have been agreed with the Secretary of State, and must be complied with in order to secure Ealing's Planning Delivery Grant allocation.

6.19 The scale of the consultation undertaken will therefore reflect the resources available for the consultation process in terms of staff resources and funding, as well as the timeframes set by our LDS. The resources available will be set through the Council's budgeting processes. Most of the consultation work on the LDF will be the responsibility of the Planning Policy Team.

### **How will we keep the Statement of Community Involvement up to date?**

6.20 The Council is committed to community involvement, and will monitor performance, based on feedback from stakeholders, community/voluntary groups and the general public. Experience of community involvement elsewhere will also be examined. The Council will work to establish best practice, using the range of techniques set out in the Statement of Community Involvement. The basis for on-going assessment of the SCI will be reports in the Council's Annual Monitoring Reports,. The Council will ensure that proposals are brought forward based on clear evidence, and in compliance with statutory procedures and associated guidance.

### **Where can you go for information on planning and community involvement?**

6.21 Information and advice is available within the Council at -

Planning Policy Team (Development Planning)  
Ealing Council  
Perceval House  
14/16 Uxbridge Road  
London W5 2HL  
020 8825 5428  
planpol@ealing.gov.uk

Planning Services (Development Management)  
Ealing Council



PO Box 14941  
London W5 2YP  
020 8825 6600  
planning@ealing.gov.uk

Customer Service Centre (Opening Hours: Mon-Fri, 8.30am-5pm)  
Perceval House  
14/16 Uxbridge Road  
Ealing W5 2HL  
020 8825 5109

6.22 Free, independent advice is available to community groups and individuals unable to afford planning consultants from **Planning Aid for London**. This is a voluntary planning organisation, backed by the Royal Town Planning Institute, which provides information, training and assistance on a range of planning issues. Contact details are provided below:

Planning Aid for London  
Unit 2, 11-29 Fashion Street  
London E1 6PX

www.planningaidforlondon.org.uk  
Tel. 020 7247 4900  
[Info@planningaidforlondon.org.uk](mailto:Info@planningaidforlondon.org.uk)

6.23 Finally, the Royal Town Planning Institute can provide a list of practicing accredited professional consultants who can assist in responding to development policies or formulate development proposals. See <http://www.rtpiconsultants.co.uk/>

## Appendix 1: Glossary of Terms

<b>The Act</b>	The Planning and Compulsory Purchase Act 2004.
<b>Annual Monitoring Report</b>	Part of the <b>Local Development Framework</b> , the Annual Monitoring Report will assess the implementation of the <b>Local Development Scheme</b> and the extent to which policies in <b>Local Development Documents</b> are being successfully implemented.
<b>Consultation</b>	Procedure for assessing public opinion about a plan or major development proposal, or in the case of a planning application, the means of obtaining the views of affected neighbours or others with an interest in the proposal.
<b>Core Strategy</b>	A <b>Development Plan Document</b> which sets out the long term spatial vision for the Borough, the spatial objectives and strategic policies to deliver that vision. Ealing's document is entitled 'Ealing's Development Strategy 2026'.
<b>Development Plan</b>	As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan consists of (for Ealing) the Spatial Development Strategy for London (the ' <b>London Plan</b> ') and the <b>Development Plan Documents</b> contained within its <b>Local Development Framework</b> .
<b>Development Plan Document</b>	A <b>Local Development Document</b> which must be subjected to a statutory <b>adoption</b> process before it can be formally adopted by the authority. The process consists of consultation, submission of the document to the Secretary of State, <b>Independent Examination</b> , receipt of <b>Inspector's Report</b> , and formal adoption. They can include a Core Strategy, Site Specific Allocations of land, and Development Control (where needed).
<b>Examination</b>	A term used in the preparation of a <b>Development Plan Document</b> which involves the examination into the soundness of the plan and receipt of the Inspector's binding report (see also <b>Independent Examination</b> ).
<b>Independent Examination</b>	A formal hearing, presided over by an Inspector appointed by the Secretary of State, to consider the policies and proposals of the local planning authority's <b>Development Plan Documents</b> . Persons who have made a response to submission documents have a right, if they so wish, to present their case at an Independent Examination.
<b>Inspector's Report</b>	A report issued by the Inspector who conducted the <b>Independent Examination</b> , setting out their conclusions on the matters raised at the Examination and detailing the amendments which they require the local planning authority to make to the submitted document. The report is binding.
<b>Issues and Options</b>	Produced during the early production stages of the preparation of DPDs and may be issued for consultation to meet the requirements of Regulation 25.
<b>Local Development Document</b>	A document which forms part of the <b>Local Development Framework</b> and which can be adopted and revised as a single entity. The term includes <b>Development Plan Documents</b> , and <b>Supplementary Planning Documents</b> .

<b>Local Development Framework</b>	A “folder” of consisting of <b>Local Development Documents, Statement of Community Involvement, the Local Development Scheme, and Annual Monitoring Reports</b> , drawn up by the local planning authority, which together provide the framework for delivering the spatial planning strategy for the area.
<b>Local Development Scheme</b>	A document setting out the local planning authority’s programme for its <b>Local Development Framework</b> ; in particular, the <b>Local Development Documents</b> it intends to produce and the timetable for their production and review. It must be submitted to the Mayor of London and the Secretary of State and may be revised as necessary.
<b>Local Strategic Partnership (LSP)</b>	Partnerships of stakeholders who develop ways of involving local people in shaping the future of their area (important private, public and voluntary sector organisations in the borough). Ealing’s LSP is called <b>Partnership for Ealing</b> .
<b>London Plan</b>	This is the Regional Spatial Strategy for London. It was produced by the Mayor of London to provide a strategic context for the boroughs’ <b>Unitary Development Plans</b> . It will now perform this function in respect of <b>Local Development Frameworks</b> . It was first published in February 2004 and is now undergoing its second revision. It has the status of a <b>development plan</b> under the Planning and Compulsory Purchase Act.
<b>Minor Amendment to a planning application</b>	<p>A minor amendment can be defined as an alteration that does not <i>materially change</i> a development that has been granted planning permission, in particular by:</p> <ul style="list-style-type: none"> <li>- increasing the size of the development in any way (including height, depth and volume);</li> <li>- altering the facade in a manner that could lead to increased overlooking of neighbouring properties;</li> <li>- materially changing the design; or</li> </ul> <p>in any way materially altering the impact of a development on the amenities of neighbouring properties, or the character of the area.</p>
<b>Planning Inspectorate (PINS)</b>	Government body whose main work is the processing of planning and enforcement appeals and holding inquiries into local development plans. They deal with a wide variety of other planning related casework including listed building consent appeals, advertisement appeals, and reporting on planning applications.
<b>Planning Policy Statement (PPS)</b>	National planning policy guidance produced by the Government under the new planning regime. Previously known as Planning Policy Guidance notes (PPGs). They set out the Government’s land use planning policies for England.
<b>Proposals Map</b>	<p>A <b>Development Plan Document</b> which comprises a map of the local planning authority’s area, and shows:</p> <ul style="list-style-type: none"> <li>- Existing and revised designations of areas of land;</li> <li>- Sites for particular future land uses or developments;</li> <li>- Locations of proposed or actual area plans.</li> </ul> <p>The Proposals Map must be revised as each new Development Plan Document is adopted.</p>
<b>The Regulations</b>	Town and Country Planning (Local Development) (England) Regulations 2004, and the Town and Country Planning (Transitional Arrangements) Regulations 2004. These have since been amended by the Town and

	Country Planning (Local Development) (England) Regulations 2008 and the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009.
<b>Saved Policies or Plan</b>	Existing adopted development plans are saved for three years from the date of commencement of the Act. If a Local Authority wish to save policies beyond this period they will need to satisfy the criteria stated in PPS12 and agree this with GOL. Most of Ealing UDP policies are saved until they become superseded by development plan document policies.
<b>Site Specific Allocations</b>	Allocations of sites for specific or mixed use developments. Ealing's document is entitled <b><i>Development Sites</i></b> .
<b>Statement of Community Involvement (SCI)</b>	This sets out the methods and standards which the planning authority intend to achieve in relation to involving the community in the preparation, alteration and review of all LDDs and in development management decisions. The SCI was originally subject to independent examination, but this is no longer the case and it is now approved by the local authority.
<b>Strategic Environmental Assessment (SEA)</b>	A generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'. It is a tool for integrating environmental considerations into decision-making by ensuring that any significant environmental effects of the decision are taken into account. The <b><i>Strategic Environmental Assessment</i></b> must form an integral part of the adoption process for <b><i>Development Plan Documents</i></b> and must be taken into account from the initial stages of plan preparation.
<b>Supplementary Planning Document</b>	A <b><i>Local Development Document</i></b> which provides supplementary information in respect of policies in <b><i>Development Plan Documents</i></b> . Supplementary Planning Documents do not form part of the <b><i>Development Plan</i></b> and are not subject to <b><i>Independent Examination</i></b> .
<b>Sustainability Appraisal</b>	Tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental, and economic factors) and required in the Act to be undertaken for all <b><i>Development Plan Documents</i></b> .
<b>Sustainable Community Strategy</b>	A strategy, prepared for approval by the Local Strategic Partnership, to articulate the community's social, economic and environmental aspirations for the Borough. It is implemented through a Local Area Agreement. The Sustainable Community Strategy and the LAA have links with the Local Development Framework.
<b>Unitary Development Plan</b>	A type of development plan introduced in 1986. It is due to be replaced by Local Development Frameworks. Ealing's Unitary Development Plan was adopted in October 2004. The Secretary of State agreed to save a range of UDP policies in 2007.

## Appendix 2

### DETAILING LDF COMMUNITY INVOLVEMENT

This Appendix first identifies the relevant stakeholders, including community organisations and individuals, and how they might be involved in the process. Then, further detail is introduced in respect of the different groups in the community, with particular regard to the so-called ‘hard to reach groups’. Finally, the community involvement methods expected at the different stages of the preparation of LDF documents is set out. The programme indicated is for development plan documents, but it is applied as required in preparing supplementary planning documents and other documents related to the Local Development Framework.

TABLE 1	How we will involve different stakeholders in the Local Development Framework
TABLE 2	Range of methods for engaging with different groups
TABLE 3	Community Involvement in LDF Documents

**Table 1: How we will involve different stakeholders in the Local Development Framework**

<b>Stakeholders</b> – all apart from the specific consultation bodies listed in box 1, are regarded as general consultation bodies	<b>Development Plan Documents</b> <sup>18</sup>	<b>Other Documents</b> <sup>19</sup>	<b>Method</b>
<b>Specific Consultation Bodies</b> (see para 3.10 above) 1. Mayor of London (The Greater London Authority) 2. London Development Agency 3. The Metropolitan Police 4. Adjoining Local Planning Authorities - Brent, Harrow, Hillingdon, Hounslow and Hammersmith & Fulham 5. The Secretary of State for Transport (on railways and highways matters, but not on SCI) 6. Natural England 7. The Environment Agency 8. Historic Buildings and Monuments Commission for England (English Heritage) 9. The Coal Authority 10. Primary Care Trusts 11. Telecommunications companies 12. Electricity and gas companies 13. Sewerage and water undertakers 14. Homes and Communities Agency	✓	✓ Where appropriate	Ealing website, letter / email, questionnaire / survey, joint working groups  Note that for SCI, specific consultation bodies 1, 2, and 3 are consulted.
<b>National / Regional Organisations:</b> Transport for London, London Energy Partnership, Carbon Trust, The Energy-Saving Trust, British Waterways	✓	✓ Where appropriate	Formal written consultation, questionnaires, Ealing website
<b>Councillors</b>	✓	✓	Cabinet, Committees (Advisory Committee for the LDF), Council Members Training

<sup>18</sup> Ealing's development plan documents comprise - Development Strategy 2026, Development Sites & Development Management policy documents, West London Plan for Waste

<sup>19</sup> Other Ealing documents include - Infrastructure delivery plan, Supplementary Planning Documents, SCI, AMR, LDS, evidence, background documents

<b>Stakeholders</b> – all apart from the specific consultation bodies listed in box 1, are regarded as general consultation bodies	<b>Development Plan Documents</b> <sup>18</sup>	<b>Other Documents</b> <sup>19</sup>	<b>Method</b>
<b>Internal Departments</b>	✓	✓	Management groups, officer groups, email distribution, intranet, Officer training
<b>Local Strategic Partnership ‘Partnership for Ealing’</b>	✓	✓ Where appropriate	LSP/ Sustainability Forum and successor groups, reports, meetings, questionnaires / surveys
<b>LDF database</b> - individuals and groups who have commented on LDF or requested to be on the database.	✓	✓ Where appropriate	Letter / email, questionnaire / survey, joint working groups
<b>Residents</b>	✓	✓ Where appropriate	Ealing website, Ealing Gazette and other local media, meetings of local forums/residents associations, leaflet / brochures, formal written consultation, focus groups, exhibitions, information held at community buildings e.g. Councils Customer Services Centre, libraries. written notification of site proposals for Sites Allocation DPD, ‘Around Ealing’ Council magazine
<b>Visitors</b>	✓	✓ Where appropriate	Ealing website, information held at community buildings e.g. Councils Customer Services Centre, libraries.
<b>Education institutions</b> - from pre-school to higher education including universities	✓ Where appropriate	✓ Where appropriate	Letter / email, questionnaire / survey, joint working groups
<b>Business community, land owners developers and their agents:</b> House Builders Federation, Ealing Housing Associations Forum, individual major developers and land owners, planning agents/consultants and architects, Town Centre	✓	✓ Where appropriate	Ealing website, Ealing Gazette or other local media, local forums, LSP/Sustainability Forum, email, leaflet / brochures, formal written consultation, focus groups, exhibition, ‘Around Ealing’ Council magazine



<b>Stakeholders</b> – all apart from the specific consultation bodies listed in box 1, are regarded as general consultation bodies	<b>Development Plan Documents<sup>18</sup></b>	<b>Other Documents<sup>19</sup></b>	<b>Method</b>
Partnerships, Park Royal Partnership, Regeneration Partnerships/Forums, chambers of commerce and other local businesses and business groups			
<b>Ealing Community Network:</b> Planning & Community working group, Place Shaping project	✓	✓	Ongoing dialogue through Planning & Community working group, and wider discussion through the whole organisation; Place Shaping project on social impacts.
<b>Community &amp; Voluntary Groups with local area and/or topic interest:</b> amenity and conservation groups, Conservation Advisory Panels, cultural organisations, environmental groups, faith groups, health care groups, housing interest groups, Local Agenda 21 Chairs Network, local residents and tenants associations, the Residents' Panel, users of community facilities.	✓	✓ Where appropriate	Ealing website, Ealing Gazette or other local media, meetings of local forums, LSP, leaflet / brochures, formal written consultation, focus groups, email, exhibition, 'Around Ealing' Council magazine, questionnaires.
<b>Groups representing sections of the population, including 'hard to reach' Groups:</b> Ealing African and African Caribbean Forum, Ealing BME (Black and minority ethnic) Forum, Ealing Lesbian and Gay Forum (women's/men's groups), Ealing Refugee Forum, faith groups, Gypsies, Roma and Travellers Interagency Forum, Ealing Access Committee, Ealing Centre for Independent Living and other local disability groups, older people's associations, welfare groups, Youth Forums / young people's associations/groups.	✓ Where appropriate	✓ Where appropriate	Each document will have its own identified 'hard to reach groups'. The consultation will be tailored to meet their needs. See Table 1 for further information.

**Table 2: Range of possible methods for engaging with different groups**

<b>Group</b>	<b>Development Strategy 2026</b>	<b>Development Sites Development Management West London Plan for Waste</b>	<b>Supplementary Planning Documents Infrastructure delivery plan Other documents</b>
<b>Children/ Young People</b>	<ul style="list-style-type: none"> <li>IT techniques</li> <li>Involvement of Youth Mayor</li> <li>Visits to schools</li> <li>Council presence at community events</li> <li>Youth Forum meetings</li> </ul>	<ul style="list-style-type: none"> <li>Targeted workshops on relevant topics/locations (for families or young people only)</li> <li>Council presence at community events</li> <li>Youth Forum meetings</li> </ul>	<ul style="list-style-type: none"> <li>Targeted family workshops on relevant topics/locations</li> <li>Council presence at community events</li> <li>Youth Forum meetings</li> </ul>
<b>Disabled People</b>	<ul style="list-style-type: none"> <li>Ealing Access Committee</li> <li>Documents published in large font</li> <li>Local radio advertising</li> </ul>	<ul style="list-style-type: none"> <li>Ealing Access Committee</li> <li>Documents published in large font</li> <li>Targeted workshops</li> </ul>	<ul style="list-style-type: none"> <li>Ealing Access Committee</li> <li>Documents published in large font</li> <li>Targeted workshops</li> </ul>
<b>Ethnic Minority Groups</b>	<ul style="list-style-type: none"> <li>Use of translation services</li> <li>Focus group meetings</li> <li>Planning and the Community Working Group</li> <li>Local community publications</li> <li>Local radio advertising</li> </ul>	<ul style="list-style-type: none"> <li>Local community publications</li> <li>Local radio advertising</li> </ul>	<ul style="list-style-type: none"> <li>Local community publications</li> <li>Local radio advertising</li> </ul>
<b>Older People</b>	<ul style="list-style-type: none"> <li>Targeted workshops</li> <li>Presentations at Lunch Clubs/Women's Groups/Organisations etc.</li> <li>Local community publications</li> <li>Local radio advertising</li> </ul>	<ul style="list-style-type: none"> <li>Targeted workshops on relevant topics/locations</li> <li>Local community publications</li> <li>Local radio advertising</li> </ul>	<ul style="list-style-type: none"> <li>Targeted workshops on relevant topics/locations</li> <li>Local community publications</li> <li>Local radio advertising</li> </ul>
<b>People whose First Language</b>	<ul style="list-style-type: none"> <li>Translation/ interpretation</li> </ul>	<ul style="list-style-type: none"> <li>Translation/ interpretation</li> </ul>	<ul style="list-style-type: none"> <li>Translation/ interpretation services</li> </ul>

Group	Development Strategy 2026	Development Sites Development Management West London Plan for Waste	Supplementary Planning Documents Infrastructure delivery plan Other documents
<b>is not English</b>	<ul style="list-style-type: none"> <li>services</li> <li>▪ Oral/written information</li> </ul>	<ul style="list-style-type: none"> <li>services</li> <li>▪ Oral/written information</li> </ul>	<ul style="list-style-type: none"> <li>▪ Oral/written information</li> </ul>
<b>People who lack time/ resources to participate</b>	<ul style="list-style-type: none"> <li>▪ 'Around Ealing' Magazine</li> <li>▪ Web based consultation</li> <li>▪ Email updates</li> <li>▪ Local media coverage</li> <li>▪ Roadside Displays</li> </ul>	<ul style="list-style-type: none"> <li>▪ Web based consultation</li> <li>▪ Email updates</li> <li>▪ Local media coverage</li> </ul>	<ul style="list-style-type: none"> <li>▪ Web based consultation</li> <li>▪ Email updates</li> <li>▪ Local media coverage</li> </ul>
<b>Travellers, Gypsies, Homeless people and Refugees</b>	<ul style="list-style-type: none"> <li>▪ Visits</li> <li>▪ Community workshops</li> </ul>	<ul style="list-style-type: none"> <li>▪ Visits</li> <li>▪ Targeted community workshops</li> </ul>	<ul style="list-style-type: none"> <li>▪ Visits</li> <li>▪ Targeted community workshops</li> </ul>
<b>Women</b>	<ul style="list-style-type: none"> <li>▪ Targeted workshops</li> <li>▪ Drop-in information sessions</li> <li>▪ Visits to women's groups</li> <li>▪ Council presence at community events</li> </ul>	<ul style="list-style-type: none"> <li>▪ Targeted family workshops on relevant topics/locations</li> <li>▪ Council presence at community events</li> </ul>	<ul style="list-style-type: none"> <li>▪ Targeted workshops on relevant topics /locations</li> <li>▪ Council presence at community events</li> </ul>

**Table 3: Community Involvement in Development Plan Documents**

Consultation Tool	Method	Why this method?	Result
<b>Stage 1: Preparation</b>			
Consulting on the Evidence Base	The Evidence Base is made up of background papers, reports, technical information, studies, consultant's reports, good practice notes etc. This information is made available to stakeholders via our website; email, hard copy from the Planning Policy team.	This evidence is regularly updated and can be used to inform decisions and increase understanding/awareness of the planning system and planning issues.	Informed stakeholders and better evidence
Raising awareness of the Planning System and peoples capacity to be involved in it.	Training provided to Members and Council officers to ensure that they carry out their work appropriately and to a high standard. Training will be provided to voluntary and community groups, members of the public and other stakeholders through workshops, and the Planning and Community Working Group. Information on the planning system will be provided via Ealing website; Area / Ward Forums; community contacts, media, e.g. Ealing Gazette.	It is appropriate to support the community actively participating in the planning system and providing the necessary information and resources to understand it.	Increase awareness and understanding of the planning system, and rapport with participants.
Early involvement – informal consultation period	A variety of methods used, including: questionnaires / surveys, exhibitions, posters, Ealing website, local media, local libraries; not only to comply with statutory obligations but also to ensure that all stakeholders will be able to participate in the process from the beginning. The method chosen will be suitable for the type of document and/or stakeholder group involved.	Statutory requirement (Regulation 25)  To facilitate early involvement, so as to get input from the community and all stakeholders from the start of the planning process.	Council is aware from the outset, of the views/issues which concern the community  Generates sense of ownership in the policy process
Consultation on Issues and	Depending on the document, a range of methods used to consult with the community, including notification by mail out, notice in the Ealing Gazette and other local media, posting of information on the	Statutory requirement (six week consultation period, Regulation 25)	Broad base response from all sections of the community, on the

Consultation Tool	Method	Why this method?	Result
Alternative Options	Ealing Website, feedback from Area Committees, internal officer group consultation, one-to-one meetings and workshops with stakeholders. Where requested, community language translation/interpretation may be used. Questionnaires/surveys, and consultation papers used to elicit feedback.	The methods described allow the community to engage in the process, and the results of the consultation to be collated and incorporated into the documents.	options.
Initial Sustainability Appraisal Scoping Reports	These reports will be available for inspection at the Customer Services Centre at the main Council office, libraries across the borough and on the Ealing website. Officers and stakeholders will be informally consulted. Statutory consultees will receive written notification.	Statutory requirement. It is the most appropriate way to inform stakeholders of the complex technical process of assessing the environmental, economic and social impacts of the alternative options.	Rigorous SA process as a result of the input of interested stakeholders.
Reporting back on Issues and Options consultation	Assessing the representations received, the main outcomes of this consultation, published on the Ealing website, and copies made available at the Customer Services Centre or on request. Those who responded to the consultation will receive written notification. Council also report back to Committees, Cabinet, and internal officer groups.	Demonstrates to consultees how their comments have informed the next stage of production of document.	Stakeholders views are understood and progress made toward preferred policies.
Consultation on Preferred Options – superseded by 'initial proposals'.	This consultation period advertised in the local paper (Ealing Gazette), on the Ealing website, at the Councils Customer Service Centre and at libraries across the borough. Additionally draft document presented at public meetings e.g. Area / Ward Forums, exhibitions and meetings/workshops with targeted groups, via stakeholder forums and internal/external meetings as appropriate. Where requested, community language translation/interpretation used. Written/email notification sent to all who made representations at the Issues and Options stage.	No longer statutory requirement, but consultation period to establish stakeholder/community views and consult on the way forward	Wide range of responses from the community will help to inform the final Submission Document.
Reporting back on consultation.	Assessing the representations received, and main outcomes of this consultation; published on website, and copies made available on request. Those who responded during the consultation receive written notification. There may also be discussion at Area or Ward Forums and stakeholder groups.	To demonstrate to consultees how their comments have informed the next stage of production of the development plan document.	Incorporates stakeholder views and progress procedure to examination.

Consultation Tool	Method	Why this method?	Result
<b>Stage 2: Publication</b>			
Preparation of development plan document for publication prior to submission to the Secretary of State  GLA request conformity with London Plan.	When the document has been prepared, a Statement of Compliance, the Sustainability Appraisal Report and a Pre-submission Consultation Statement must be prepared for submission alongside the DPD. These documents are presented to Full Council for the decision to submit to the Secretary of State.  Notice of submission placed in the Ealing Gazette inviting people to comment on the submission document during a six-week period. General and specific consultees will be notified via email/post. Copies will be available at libraries, on the Ealing website and at the Customer Services Centre. Specific and general consultees will have copies of the submission documents forwarded to them via their preferred method. Where requested, community language translation/interpretation may be used.	Statutory requirement (Regulations 27, 28, 30).  To demonstrate to consultees how their comments have informed the next stage of production of the DPD and to continue to inform and to maintain buy-in from the community.	Submission Document prepared and submitted to Secretary of State.
Publication of Sustainability Appraisal Report	Publication of the Sustainability Appraisal is subject to the same six-week formal consultation period as the document which it supports, and as such, must be advertised in the local paper (Ealing Gazette). In additional, statutory bodies and other internal and external stakeholders will be notified by post or email. The document will be available on the Ealing website, in libraries and at the Customer Services Centre.	Statutory requirement (Regulation 26).  The methods described allow the community to engage and the results of the consultation to be collated and incorporated into the document.	All participants are able to make their views on the sustainability of the document known.
Representations on submitted DPD.	Anyone can make a formal, written representation on the DPD during this period. Representations received will be considered by the local planning authority and responded to so that the Inspector is aware of them at the independent Examination.	Formal consultation opportunity. Six-week representation period from date of publication.	Representations on the soundness of the document, and the Council's response.
Publication of Representations on documents and accompanying material.	Representations made available for others to view on the Ealing website, at the Customer Services Centre, and at libraries across the borough	Statutory requirement (Regulations 28-29 and 32-33).  Information sharing process.	Maintain awareness and transparency in and of the planning system.

Consultation Tool	Method	Why this method?	Result
<b>Stage 3: Submission</b>			
Finalisation of development plan document for submission to the Secretary of State	Where representations which include proposals for alternative site allocations or a change to a boundary of a site identified in the submitted document are made, these will be re-advertised immediately after the period for making representations has expired. Representations will be made available on the Ealing website, at the Customer Services Centre, libraries across the borough. Written notification will be made to those who made earlier representations on these sites	Statutory requirement (Regulations 32-33)  Allows others to comment on possible changes to sites.	Maintain awareness and transparency in and of the planning system.
Publication of Pre-examination changes to document	In the event that changes to the document are proposed prior to the examination and following submission, these will be advertised in a similar manner to the submission document, and an opportunity to make representations will be made. The Council must set out the reasons for making these changes and how they will affect the soundness of the Plan.	Statutory requirement (Regulation 28)	Positive response to representations or to changed circumstances, and maintain awareness and transparency in and of the planning system.
<b>Stage 4: Examination</b>			
Pre-examination meeting.	If the Inspector feels that it is necessary, a pre-examination meeting held. The meeting will be advertised on the Ealing website, by public notice in the Ealing Gazette, email / written notification to consultees. The meeting is open to all members of the public.	To ensure an efficient and effective examination.	All stakeholders are aware of the process to follow at the Examination.
Independent Examination	An independent planning Inspector is appointed to carry out the Examination, which will ensure that the individual documents and the LDF as a whole are sound. The examination timetable will be advertised on the Ealing Website, by public notice in the Ealing Gazette, and by email/post to consultees. The process is arranged by a Programme Officer, so that the activities relating to the process are independent from the Council	Statutory requirement (Regulation 34)  To test the 'soundness' of the DPD.	Orderly submission and consideration of issues. Independent Inspector assesses the document(s) for their soundness.
Binding Inspectors	Once the Examination has been completed, a report will be	Statutory requirement (Regulation	To ensure the



Consultation Tool	Method	Why this method?	Result
Report Published	published by the Inspector. Those people who took part in the Examination, and those people who requested to be notified, will be advised of the publication of the Inspectors report by email/post. The Inspectors report will be placed on the Ealing Website, at the Council's Customer Services Centre, at libraries and on request from the Planning Policy Team by email or by post for an appropriate charge.	35)	outcomes of the Examination are in the public domain.
<b>Stage 5: Adoption</b>			
Publication of Adoption notice	Formal advertisement of the adoption of document as part of LDF, and reference to High Court appeal procedures, made via the Ealing website and local paper (Ealing Gazette). Individuals / organisations who took part in the process (everyone on the LDF database who has indicated an interest) informed by email/post as preferred. Copies of the adopted DPD and adoption statement, the Final Sustainability Report and the Inspectors Report made available for inspection at the Council's Customer Service Centre, libraries and on the Ealing website. Document available for sale.	Statutory requirement (Regulation 36). It ensures all those who took place in the process are informed of the final outcome.	Document is formally adopted
Issue Statement of Compliance with the SCI	A Statement of Compliance with the SCI must be prepared for each document that reaches the adoption stage. The statement will show how Ealing has engaged with stakeholders and the community during the plan making process. The statement will be made available alongside the document to be adopted.	To ensure that SCI is adhered to.	Continuous engagement with all sections of the community in the plan making process is demonstrated.
High Court Challenge	The validity of a DPD can be challenged on limited legal grounds (not within powers conferred by the Town & Country Planning Regulations 2004 or not in compliance with requirements of the Regulations/Act). An application must be made to the High Court within six weeks of the date of advertisement of adoption, asking for the document/part of the document to be quashed.	Statutory requirement	Test of the legality of the document
Monitoring and	The plan making process assessed in discussion with community organisations, and as required reported in the Annual Monitoring	To show that	Plan making process continues to be

Consultation Tool	Method	Why this method?	Result
Review	Report. The Statement of Compliance produced for every DPD / SPD will be used in the monitoring report. The monitoring process will identify if SCI needs review, as in 2009/10.	<ul style="list-style-type: none"> <li>a) the SCI is being implemented</li> <li>b) Progress being made on LDS milestones</li> <li>c) Success or otherwise, of LDF policies.</li> </ul>	inclusive and accessible.

## Appendix 3:

### Range of methods available for involving the public in Developers' Proposals

Consultation Method (for Applicants or Service)	<b>A. Pre-app</b> Developer's pre-application community involvement on prospective applications of different categories.	<b>B. Major</b> Large scale, major and significant applications (Full or outline applications for development as defined in the notes below)	<b>C. Other</b> Applications other than those in categories B or D.	<b>D. Householder</b> Householder Applications, Listed Buildings, Conservation Area Consents
1. Pre-Application meetings	B, C where appropriate	✓	✓ where appropriate	N/A
2. Formal letter and/or site notice to notify neighbouring residents and/or relevant interest groups.	B	✓ Where appropriate	✓ Where appropriate	✓ Where appropriate
3. Developer's community involvement consultant	B – large scale; others if appropriate	Certainly large scale projects, others if appropriate	N/A	N/A
4. Independent professional facilitator to host forums or workshops	B	✓ Where appropriate	N/A	N/A
5. Events targeted to specific sections of the population	B; C if appropriate	✓ Where appropriate	✓ Where appropriate	N/A
6. Mail drop to communities with questionnaire or information on community involvement	B	✓ Where appropriate	N/A	N/A
7. Postal or street survey questionnaires or web-based questionnaires running alongside other types, with	B; C if appropriate	✓ Where appropriate	N/A	N/A

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subsequent feedback.				
8. Public exhibitions at local and accessible locations	B	✓ Where appropriate	✓ Where appropriate	N/A
9. Public meetings	B	✓ Where appropriate	✓ Where appropriate	N/A
10. Community Events and workshops	B	✓ Where appropriate	N/A	N/A
11. Planning Surgeries – drop-in events where people can discuss issues with qualified planners	B	✓ Where appropriate	✓ Where appropriate	N/A
12. Ealing Planning Services Website and dedicated web pages	B – by arrangement	✓	✓ Where appropriate	✓ Where appropriate
13. 'Around Ealing' Ealing Council's Monthly Magazine	B – by arrangement	✓ Where appropriate	Where appropriate	N/A
14. Council's Duty Planner	B N/A	N/A	N/A	✓ Where appropriate
15. Planning Committee	N/A	✓ Public speaking where appropriate	✓ Where appropriate	✓ Where appropriate

**Large scale** developments are where development proposed is more than 50 dwellings or 5,000m<sup>2</sup> of commercial floor space or is large-scale retail development. **Major** development is 10 dwellings or more, or 1,000sqm of floor space or more. **Significant** development is all development which is a development plan departure, or where an Environmental Assessment or a full transport assessment is required. Significant development also includes all development on playing fields or which involves significant areas of open space, or includes the demolition of substantial buildings in a conservation area, or comprises a wind, water or energy utility or where there will be a significant impact because of the sensitivity of the site.

At **pre-application stage**, developers proposing large scale development are expected to apply methods 1 -12 of community involvement as set out above. Developers proposing major or significant development are also expected to follow pre-application methods of involvement, but may not need method 3. Methods 13 and 14 are available as optional elements of pre-application community involvement, by arrangement with the local authority.

The term '**where appropriate**' is used when the local planning authority will need to judge the value of the consultation method on a case by case basis.



