

***Please note Part 2 report is now confidential appendix.***

## **London Borough of Enfield**

### **Portfolio Report**

**Report of:** Vincent Lacovara, Head of Planning

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**Subject:** Adoption of revised Statement of Community Involvement

**Cabinet Member:** Cllr Nesil Caliskan, Leader of the Council

**Executive Director:** Sarah Cary

**Ward:** ALL

**Key Decision:** None

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### **Purpose of Report**

1. The purpose of this report is to seek approval to adopt the revised Statement of Community Involvement (SCI) 2020, subject to any amendments to be agreed with the Executive Director of Place in consultation with the Leader of the Council.

### **Proposal(s)**

2. To APPROVE the adoption of the revised Statement of Community Involvement (SCI) (November 2020) as attached in **Appendix A**.
3. To NOTE: the Statement of Consultation in **Appendix B** and the Equalities Impact Assessment in **Appendix C** that supports the revised SCI.
4. To delegate the finalisation of minor amends and subsequent adoption of the Statement of Community Involvement to the Executive Director Place in consultation with the Leader.

### **Reason for Proposal(s)**

5. It is essential that there is an up to date and fit for purpose Statement of Community Involvement to provide guidance on consultation processes and that sets out how we will meaningfully engage local people and businesses in planning processes – both plan-making and decision-making. This is a periodic review of the document, required to be carried out every five years to ensure it is kept up to date as new legislation, policy and procedures are introduced.
6. The importance of updating the SCI has gained increased urgency in light of the Covid-19 pandemic and the need to adapt consultation methods and processes in line with government guidance.

## Relevance to the Corporate Plan

### Good homes in well-connected neighbourhoods

7. The SCI will be fundamental in achieving sustainable neighbourhood by meaningfully engaging local communities and businesses in planning processes, which will enable creation of better homes and neighbourhoods.

### Safe, healthy and confident communities

8. Engaging communities and businesses in planning processes will enable residents to build capacity and confidence through involvement in these processes.

### An economy that works for everyone

9. Ensuring meaningful engagement with local communities and businesses in planning processes can help to ensure plan-making and decision-making prioritises inclusive economies.

## Background

10. The Council published its last Statement of Community Involvement in November 2015. This set out the Council's approach to community involvement in the preparation of the Local Plan as well as consultation on major planning applications and the planning appeals process.
11. The revised SCI sets out the standards to be met by the authority in terms of community involvement, building upon the minimum requirements set out in Town and Country Planning (Local Planning) (England) 2012 Regulations as amended.
12. Furthermore, the Coronavirus (COVID-19) pandemic has shown that there may be some circumstances that are beyond the Council's control and may result in a variation to the consultation methods set out within the SCI. Public Health guidelines can have a profound impact on how local planning departments can operate during a national lock-down. The Ministry of Housing, Communities and Local Government (MHCLG) have published planning guidance in response to the spread of Coronavirus (Covid-19). The National Planning Practice Guidance states: "*Local planning authorities may need to consider updating their SCI to explain how they will ensure local communities are consulted about planning applications, where they are unable to comply with normal requirements.*" The SCI has therefore also been updated in light of changes to consultation approaches arising from the Covid-19 pandemic.
13. Temporary changes to the publicity requirements for certain planning applications have also been introduced through the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 to support timely decision-making, and avoid delays to development as a result of the effects of the coronavirus pandemic, while maintaining public participation in the decision-making process.
14. A revised Statement of Community Involvement was published for consultation between Tuesday 25 February 2020 until Thursday 9 April 2020. The consultation statement considered the consultation responses and any proposed changes. The revised SCI has been amended, taking into consideration the proposed changes and

has been amended where appropriate. The revised SCI is recommended for adoption.

## **Main Considerations for the Council**

15. Since 2015, several changes to planning legislation, regulations and guidance have occurred, which this revised SCI seeks to address. In addition, changes in current practices and technological advances including increased use and availability of electronic communications such as email, social media and the web/digital engagement platforms, have changed the way in which residents and business engage in the planning process. Greater emphasis is placed on our consultation principles and how developers would need to engage with the local community before submitting a major planning application. In addition to this, the current Coronavirus pandemic is radically altering how we live and therefore what appropriate means of consultation might be. The methods of engagement encouraged as part of the SCI takes this into consideration as well.
16. The new SCI seeks to ensure the active, meaningful and continued involvement of local communities and stakeholders in planning. It sets out a consultation strategy for the Council's planning functions including:
  - How, when and who will be consulted throughout the preparation stages of the Local Plan and other planning documents with clear indication of opportunities for engagement;
  - Current statutory procedures in dealing with planning applications and appeals which include provisions for consultation on planning applications again with clear indications of opportunities for engagement. It also specifies bodies to be consulted, depending on the type of planning application together with guidance on requirements for statutory notices to be served on adjacent premises regarding prior approvals for householder extensions;
  - Expectations as to how developers should engage with the local community before submitting a planning application;
  - It references key changes in planning legislation, regulations and policy since the 2015 update including statutory changes to reflect the Housing and Planning Act 2016;
  - It refers to The Neighbourhood Planning Act 2017 and describes the latest regulations, changes in national planning policy and guidance to provide the opportunity for community groups (as designated neighbourhood forums) to prepare their own neighbourhood plans. It also explains the roles of both the Neighbourhood Forum and the Council at the key stages.
  - It outlines how the Council will consult on any changes to the Enfield Community Infrastructure Levy in terms of how it is charged and administered following the recent amendments to the CIL regulations; and
  - Finally, it sets out how the Council is exploring new ways to consult through the use of digital technology platforms to reach out to residents more effectively.

17. The revisions to the SCI reflect the following:

- **National requirements:** we must be consistent with the latest requirements set out in national policy and legislation. The National Planning Policy Framework 2019 (NPPF) promotes consultation before and after a planning application is submitted and at key stages when preparing the Local Plan and other planning documents;
- Our commitment for a **meaningful engagement** throughout the plan making and development management processes;
- How we **notify** residents about planning applications in their area;
- **Our expectations** for how developers should engage with the local community before submitting a planning application; and
- **New technology:** how we will use digital technology to reach out to residents more effectively.
- **Global Pandemics:** what temporary changes are needed in response the impact of Global Pandemics such as Covid-19 on the planning process. This is needed in order for the Council to continue assessing planning applications and make progress on the emerging Local Plans and Neighbourhood Plans.

18. The Council is committed to treating everyone fairly and justly, whatever their race or background and wants to ensure that everyone gets an opportunity to be involved in the planning process. The revised SCI will strengthen the relationship with communities in Enfield in seeking to achieve fairness for all, growth and sustainability and strong communities within the context of providing the appropriate level of supporting infrastructure, and the development of strong and sustainable communities.

### **Safeguarding Implications**

19. Not applicable

### **Public Health Implications**

20. Adoption of the revised SCI will not have any direct public health implications.

### **Equalities Impact of the Proposal – in draft**

21. In line with the Public Sector Equality Duty pursuant to the Equality Act 2010, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. An Equalities Impact Assessment (EqIA) has been produced assessing the SCI's compliance with relevant legislation and requirements. The EqIA that has been undertaken indicates that the SCI will have a positive impact as it seeks to promote an inclusive approach to consultation on planning policy documents and planning applications.

### **Environmental and Climate Change Considerations**

22. Not applicable. Progressing Local Plans will help the council to make decisions on planning applications to help achieve sustainable development. The Local Plan documents themselves will be subject to separate sustainability appraisals.

23. A full Sustainability Appraisal (SA) must be carried out as part of the Local Plan process. The SA looks at social, environmental and economic impacts in detail and is scrutinised at the Local Plan examination by an independent inspector.

### **Risks that may arise if the proposed decision and related work is not taken**

24. The Council will have failed to meet its statutory obligation to update its SCI every five years.
25. If adoption of the revised SCI is not agreed, this could also result in a risk of the emerging Local Plan being found 'unsound' by the Inspector during an examination in public, due to a lack of a transparent consultation process. The absence of an up to date Local Plan could leave the Council unnecessarily open to prolonged risk of inappropriate development from developers, whilst the issue of soundness is being resolved. This delay would also add to the cost of the Local Plan preparation process.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

26. Not applicable. Updating the existing SCI will reduce the risk of challenge to the adoption of new planning policy and decisions made on planning applications.

### **Legal Implications – in draft**

27. It is a statutory requirement that the Council prepares a SCI. The Council is also under an obligation to ensure that the SCI is kept up to date to avoid the risk of challenge to the processes that are carried out in preparing the Local Plan and in dealing with any planning applications and appeals ..The new SCI has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the Town and Country Planning (Local Planning) (England) Regulations 2012, the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework (NPPF) 2019. It has also taken into consideration temporary changes to the publicity requirements for certain planning applications which were introduced through the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.

### **Workforce Implications**

28. There are no workforce implications from adopting the SCI.

### **Financial Implications**

29. There are no direct financial implications arising from adoption of the revised SCI.

### **Property Implications**

30. There are no property issues arising directly from the adoption of the revised SCI.

### **Other Implications**

31. There are no other implications arising directly from the adoption of the revised SCI.

## Options Considered

32. It is a legal requirement for the Council to produce a SCI and to carry out consultation on planning policies and planning applications in line with the adopted SCI. The Council has a statutory obligation to update the SCI every five years, and the last SCI was adopted in 2015. Moreover, the existing document does not provide the public with clear guidance on how documents could be accessed during a public health emergency.

## Conclusions

33. Subject to the approval of the recommendations of this report, the SCI could be adopted and put in place shortly thereafter, enabling the LPA to meet its statutory obligation in this regard.

34. Adoption of the revised SCI will also enable us to refresh our approach to community involvement in planning processes, in line with the new Corporate Plan, as well as a changing context as a result of the Covid-19 pandemic.

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## Appendices

The following documents have been relied on in the preparation of this report:

- **Appendix A:** Revised Statement of Community Involvement.
- **Appendix B:** Statement of Consultation
- **Appendix C:** Equalities Impact Assessment (EqIA)