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# **Local Plan**

## **Statement of Community Involvement**

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**June 2015**



## How to contact the Council's Planning Service

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Road South, London N11 1NP

Tel: 020 8359 3000

Email: [planning.enquiry@barnet.gov.uk](mailto:planning.enquiry@barnet.gov.uk)



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## ‘We’

Throughout this document the expression ‘We’ is used instead of the term ‘The Council’. ‘We’ is intended to illustrate the fact that the Council has shared interests with local residents, businesses and community groups and places high value on the views and input received through consultation on all planning issues.

# 1. Introduction

## 1.1 Background

- 1.1.1 The Statement of Community Involvement (SCI) sets out how we will involve local residents, businesses and community groups in the preparation of planning documents and the consideration of planning applications
- 1.1.2 Through the SCI the Council will ensure that planning processes of the Council are clearly set out and enable more people to get involved in shaping plans and planning decisions.
- 1.0.1 The SCI has been reviewed to reflect reforms to the planning system and changes to service delivery within the Council.
- 1.1.3 This final version of the SCI takes into account, where appropriate, comments made during public consultation held between 26 February 2015 and 9 April 2015.
- 1.1.4 This SCI sets out:
- **What** the Council will consult and engage the community on;
  - **When** the Council will consult and engage the community;
  - **How** the Council will consult and engage the community; and
  - **Who** within the community we will consult and engage with.

## 1.2 Legal Requirements

- 1.2.5 The legal requirements for consultation and community involvement in plan-making (the process of writing planning policy) and planning applications are set out by Government in legislation including:
- A: Planning applications** – [The Town and Country Planning \(Development Management \(Procedure\) \(England\) Order 2015](#). This sets out the steps local authorities must take with regard to the processing and administration of planning applications from the point where an application is made through to the way in which decisions are recorded.
- B: Plan-making** – [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). The Regulations set out the procedure to be followed by local planning authorities in relation to the preparation of local plans and supplementary planning documents including who is to be consulted and which documents must be made available at each stage of the process.

## 2. Effective Community Involvement

### 2.1 How we will consult and engage

- 2.1.1 The Council's approach to what good engagement looks like is set out in [Barnet's Consultation and Engagement Strategy](#) . The Statement of Community Involvement (SCI) has been shaped by the Consultation and Engagement Strategy.
- 2.1.2 The Council uses various methods of consultation depending on the subject matter, the level of engagement required, and the type of stakeholders i.e. community groups or children, we are trying to reach. In some cases this will require a multi-method approach.
- 2.1.3 When selecting which consultation methods are the most appropriate to use, the Council will consider factors including accessibility, equality, cost, effectiveness and timeliness.

### 2.2 Channels of Communication

- 2.2.1 There are a range of communication channels used by the planning service for public engagement during consultation and for providing points of contact for the general public. These channels include:

The Council website:	Citizen's Panel
- Engage Barnet	Workshop Events
- Planning Policy Web Pages	Public Notices
- Planning application search facility	

Social Media

Barnet First Magazine

- 2.2.2 Further details of these communication channels are set out below.

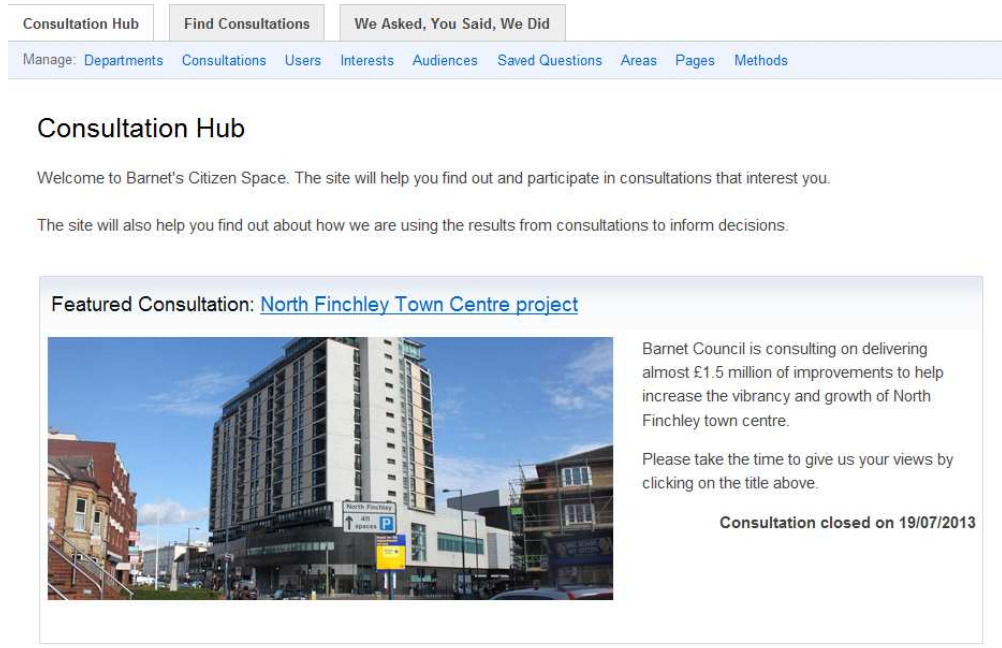
#### **Barnet Council Website - [www.barnet.gov.uk](http://www.barnet.gov.uk)**

- 2.2.3 The website provides a channel for direct contact with the Council. It is home to many web pages concerning different aspects of the work that the Council conducts. The web pages specifically related to Planning consultations are Engage Barnet, the Planning Policy web pages and the Planning application search facility.

#### **Engage Barnet**

- 2.2.4 Engage Barnet is a central platform which highlights current planning policy consultations. It provides an easily accessible space where comments can be submitted conveniently. (<http://engage.barnet.gov.uk/>). A sample of this site is given below.

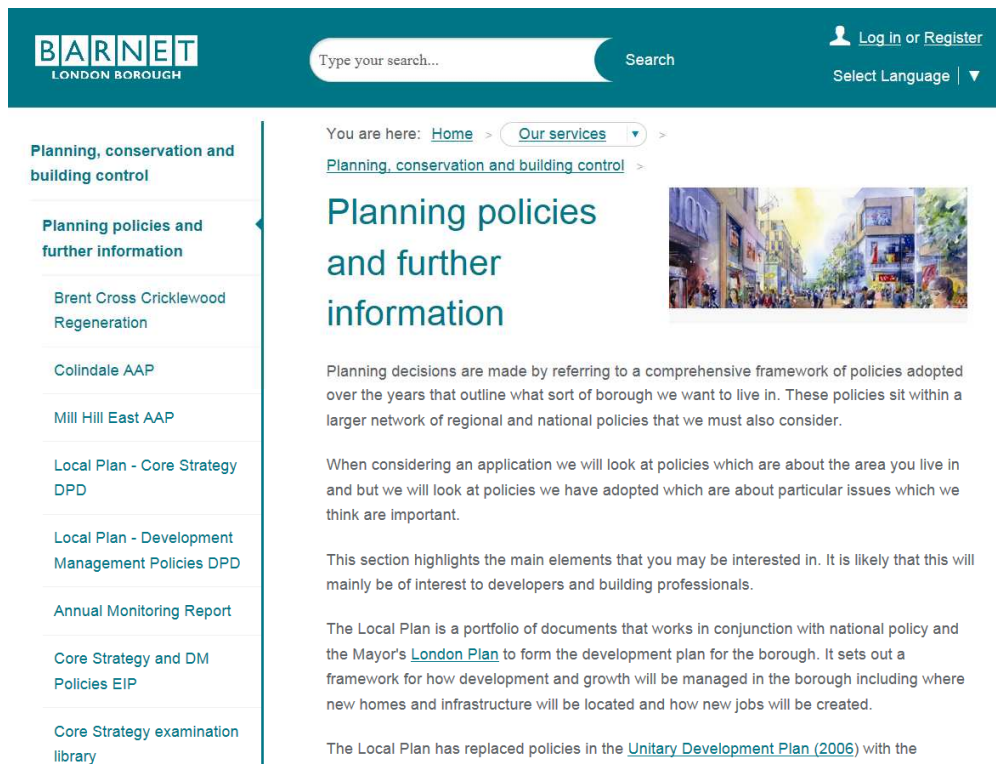
Figure 1: Engage Barnet web page



## Planning Policy web pages

2.2.5 The Council also has dedicated planning policy webpages. These publicise consultations and provide further context about Barnet's Local Plan and the development of local planning policy. (<https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/planning-policies-and-further-information.html>). A sample is given below.

Figure 2: Planning Policy web page



## Planning application search facility

- 2.2.6 The Council web site provides a planning application search facility which can be used to search for individual planning applications. The search facility is comprised of a series of tabs which allows the user to conduct different searches. A user can conduct a simple or advanced search for an application or a user may produce weekly lists of planning applications received or determined by date. By selecting the property tab a user may search for the planning history of an individual property, particular road, ward or post code. Registered users of Barnet web site will be able to receive email alerts regarding specific planning applications either related to a road, area or a particular site.

Figure 3: The online planning application search facility.

## Social Media

- 2.2.7 The Council considers that through the use of social media such as Facebook, YouTube, Twitter and Flickr it can reach out to a greater range of local businesses and local residents, particularly children and younger people giving them more opportunities to have a say about what is going on in the Borough. Local Plan consultations are posted on both Facebook and Twitter.

<https://www.facebook.com/pages/Barnet-Council/25963519357>

<http://twitter.com/barnetCouncil>

<http://www.youtube.com/BarnetCouncil1>

<https://www.flickr.com/photos/barnetcouncil>



## Barnet First Magazine

# barnetfirst

- 2.2.8 Barnet First is the Council's magazine that is distributed to every household in the Borough every three months. Barnet First can provide an opportunity to raise awareness amongst Barnet residents of forthcoming planning policy consultations.

## Citizens Panel

- 2.2.9 The Panel is a representative sample of Barnet residents who consider up to four questionnaires a year. The Panel is another engagement vehicle that may be used in the production of planning policy documents.
- 2.2.10 The Panel currently has 2,000 Barnet residents as members. The Panel's membership is continually refreshed so as many residents as possible have an opportunity to get involved in local decision making. Once residents have accepted an invitation to be a member of the Panel they are asked to complete a profiling questionnaire, which enables us to select on the basis of key demographics such as age, gender, ethnicity, disability and where they live. The complete Panel is then designed to be representative of the borough. Residents are given a three year membership. More information about the Citizens Panel is available on the council website. (See <https://www.barnet.gov.uk/citizen-home/council-and-democracy/democracy-and-elections/consultations/barnet-citizens-panel.html>).

## Workshop Events

- 2.2.11 Workshops are another engagement vehicle and are considered most effective as a means used for evidence gathering. Workshops can be more interactive than presentations or conferences and are normally comprised of small groups where active discussion is encouraged and views are exchanged. Workshop outputs can be very useful for steering documents in early stages of production.

## Public Notices

- 2.2.12 Public notices placed in the local newspapers are used to notify residents of consultations on a range of planning policy documents and major planning applications.



- 2.2.13 Public notices are used for a range of planning applications including:

- Development which requires an assessment of likely environmental impacts (Environmental Impact Assessment)
- Major applications
- Listed building consent

## 2.3 Who we will seek to Involve

- 2.3.1 We want to involve as many people as possible in plan making and planning decisions. In shaping the future of Barnet we particularly want our children and young people to get involved in planning. The greater the number the better understanding the Council will have of the range of views on planning issues in Barnet. This is what the

### Local Plan Consultation Database

To be included in our Local Plan Consultation Database please email your contact details to

[Forward.planning@barnet.gov.uk](mailto:Forward.planning@barnet.gov.uk);

For our purposes it is useful if you can let us know if you are a Barnet resident or are acting on behalf of an organisation/employer.

Statement of Community Involvement aims to achieve.

### Local Plan Consultation Database

- 2.3.2 The Local Plan database is used for planning consultations and contains approximately 1,300 contacts. Individuals and organisations can request to be added to our Consultation Database, and will then be notified of all forthcoming Local Plan consultations.

### Equalities Monitoring

- 2.3.3 All planning policy consultations will be accompanied by equalities monitoring forms. This will enable us to analyse data collected and identify specific issues relating to any individual groups should this arise.

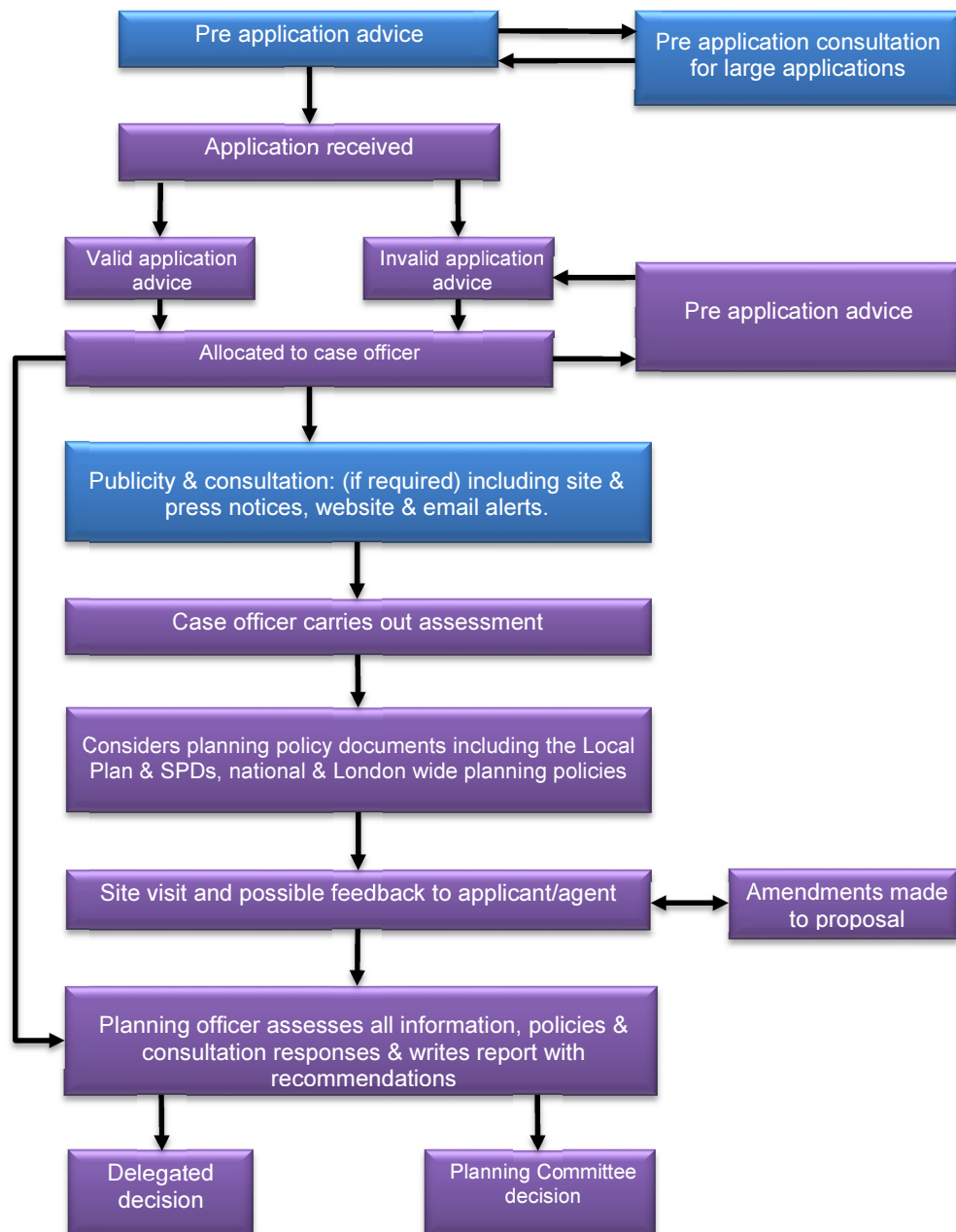
### 3. Have your say on planning applications

#### 3.1 The Planning Application Process

3.1.1 The Planning Service deals with all planning applications in Barnet. It processed over 5,500 planning applications in 2013/14. These included applications for development and changes of use as well as listed building consent and advertisements.

3.1.2 The planning application process is set out in the chart below. There are two distinct stages for community involvement in the planning application process: pre-application and application consultation (highlighted in blue below).

Figure 4: The planning application process



**“Householder application”** means:

- An application for planning permission for development of an existing dwelling house, or development within the curtilage of a dwelling house for those living there.

The definition does not include applications for changes of use or applications to change the number of dwellings in a building.

3.1.3 The vast majority of planning applications considered by the Council are small scale developments e.g. householder applications. The Council aims to determine planning applications within 8 weeks of validation.

3.1.4 Planning applications for major development require wider community consultation and a greater degree of community involvement. Applying for major development is more complex and the applicant is required to submit a larger amount of documentary evidence (e.g. a transport assessment). The Council aims to determine major applications within 13 weeks of validation.

**“Major development”** means

- Housing developments of more than 10 dwellings;
- Housing development on a site of 0.5 hectares or more;
- Any other development with a floor area of 1,000m<sup>2</sup>;
- Any other development on a site of 1 hectare or more; and
- Waste development

## 4. Pre-application Consultations

### 4.1 What are pre-application consultations?

4.1.1 Pre-application consultation can be undertaken by a developer before submitting a formal application. The process and details are discussed with planning officers at a pre-application meeting. We request pre-application consultation on all large scale major development proposals and in general it is considered appropriate for schemes where:

- the proposals are likely to have a significant impact on the environment or on the local community, and
- the nature of the development is likely to attract significant local interest.

4.1.2 The aim of pre-application consultation is to encourage discussion before a formal application is made, enabling communities to have an influence on a planning proposal before it is finalised. The process can help to identify improvements and overcome objections at a later stage. Such pre-application consultations can take the form of exhibitions, presentations, workshops or simply a letter or mail shot.

4.1.3 The output of a pre-application consultation should feed into a Statement of Pre-application Consultation which is submitted with the subsequent planning application. This report should set out the main issues raised and how the proposals have addressed them.

4.1.4 Planning and Development Forums are another form of pre-application consultation. These are meetings organised by the Council which bring together interested parties to discuss planning proposals. Developers can present their proposals in public before they make a formal application. The Forum aims to raise local awareness of a scheme at an early stage before it is formally submitted to the Council.

### 4.2 Pre-application Advice

4.2.1 We encourage developers to seek the Council's views on development proposals, particularly for major or complex schemes, before they submit a planning application. Pre-application meetings help identify key issues and help to ensure that a planning application closely accords with planning policies. An appropriate fee is charged for the pre-application advice service (See <https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/submit-a-planning-application/pre-application-advice.html>). More detailed information is available on the planning pages of the Council website.

### 4.3 Duty Planning Officer Service

4.3.1 The Duty Planning Service is currently available to give face to face advice to members of the general public three mornings a week. Opening times and location are available on the Council website

4.3.2 The Duty Planning Officer is able to provide general advice on planning issues. However, for information regarding a specific planning application it is advisable to contact the appointed planning officer directly.

4.3.3 The pre-application charging scheme does not apply to informal initial discussions in connection with very small business premises, or very minor schemes or householder schemes (small extensions/alterations), certificates of lawfulness, enforcement or advice of any local resident affected by a development. Such verbal advice at this time will continue to be provided free of charge. This applies to the duty planning officer service.

4.3.4 The more information that a customer can provide the easier it will be for the duty planning officer to offer detailed and specific advice. The Duty Planning Officer usually requires the following from customers:

- Plans or sketch drawings;
- a clear idea of what you want to do;
- able to describe the site
- describe any buildings and current uses;
- details of any previous planning permissions if known; and
- photographs of the site and surrounding area

## 5. Planning Applications

### 5.1 Processes and procedures

- 5.1.1 On receipt of an application the planning service will check it in order to determine whether it's valid. A valid application comprises:
- Information requested on the standard application form
  - Mandatory national information requirements, including a design and access statement<sup>1</sup> if one is required, and
  - national and local application requirements
- 5.1.2 Once a planning application has been validated the Council is responsible for carrying out consultation through statutory publicity and notification<sup>2</sup>. The Council's approach to publishing and consulting upon planning applications is:
- to consult for 28 days thereby exceeding the minimum statutory requirement of 21 days;
  - to publish applications on the Council's website via the planning application search facility (paragraph 2.1.6). Applications can also be viewed at the Planning Reception at Barnet House; and
  - to publish a site notice and press advert when necessary and issue neighbour consultation letters
  - to consult various specialists and relevant organisations when this is required. This includes [Statutory Consultees](#)<sup>3</sup>, such as neighbouring authorities, the Environment Agency, Natural England and other organisations, when appropriate.
  - to consult various internal services such as Highways or Environmental Health where this is necessary,
- 5.1.3 In order to effectively process responses to planning applications the Council expects all comments to be received in writing within the specified consultation period. Comments can be submitted either by letter, email or on-line.
- 5.1.4 The Council values the contribution of all responses to planning applications to the decision making process. It will endeavour to consider late responses in exceptional circumstances.
- 5.1.5 If, for disability reasons, people have difficulty getting to the Planning Reception, the case officer will visit them (on appointment) with a copy of the plans.

### 5.2 How we will let you know about planning applications

- 5.2.1 The Council is required to publicise the majority of planning applications. Certificate of Lawfulness applications are published and can be viewed using the on-line search facility. Minimum requirements for how people are notified of planning applications are set out in legislation and explained in the table below.

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<sup>1</sup> A design and access (DAS) statement is a short report accompanying and supporting a planning application. They provide a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users. See <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/designaccess>

<sup>2</sup> [The Town and Country Planning \(Development Management \(Procedure\) \(England\) Order 2015](#)

<sup>3</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/consultation-and-pre-decision-matters/table-2-statutory-consultees-on-applications-for-planning-permission-and-heritage-applications/>

Table 1: Notification methods for planning applications

Method	Statutory Requirement	Comment
Email alerts	No	You can register on the <a href="#">Council website</a> to receive planning application alerts either by property(s) or ward. The email alert contains details of proposals and information on how to view and comment via the Council's website.
Site notices	Yes*	Notices are displayed in a public place at or near the application site. They contain details of the proposal, where plans can be viewed and the name of a contact officer dealing with the application. One or more notices may be displayed depending on the size and location of the proposed development. The notice is displayed for 21 days.
Letters	Yes*	Letters are sent to occupiers within the same building as the proposed development and to adjoining neighbouring properties which are contiguous [touching a boundary] to the application site.
Website	Yes	Barnet's website contains details of all applications including copies of all associated documents and drawings. You can search by a number of criteria, track the progress of applications and submit comments online.
Weekly list of applications	No	Weekly lists of planning applications can be viewed on the website by using the search facility.
Public notice	Yes	As and when required a notice is published in the local press for various types of applications including: <ul style="list-style-type: none"> <li>• Major applications</li> <li>• Listed building consent</li> <li>• Developments affecting the character/appearance of a conservation area</li> <li>• Applications accompanied by Environmental Impact Assessment (EIA)</li> <li>• Departures from the development plan</li> </ul>

\* The requirement is for either a site notice or letter.

## 5.3 Who we will consult on planning applications

5.3.1 In deciding who to consult on a planning application we take the following into account:

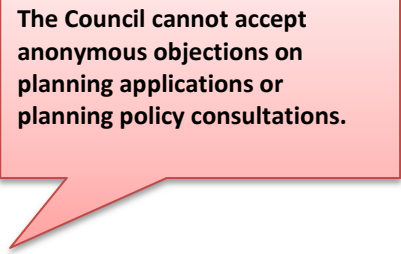
- Those directly affected by the development proposal – we consider 'directly affected' to mean adjoining neighbouring properties which are contiguous [touching a boundary] to the application site and occupiers within the building to which the application site relates as a minimum. Barnet will consult in accordance with Barnet's adopted Guidance on Consultation and Publicity of Planning Applications, which goes beyond the minimal requirements as laid out in legislation. For major developments with a wider effect, consultation will be carried out accordingly.
- Regulations about statutory consultation – Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, sets out which statutory bodies should be consulted with regards to particular types of development.
- The type of application – this may mean that consultation is necessary with the relevant conservation area advisory committee, or other relevant non-statutory consultee; and
- The Mayor of London may be consulted on applications considered to be of 'potential strategic importance'. The mechanism for this statutory power is set out in the [Town and Country Planning \(Mayor of London\) Order 2008](#).

5.3.2 We recognise that local community groups and organisations may be interested in planning applications in their area and therefore promote and encourage the use of the email alert facility available on the [Barnet website](#).



## 5.4 Submitting a representation (comment/objection) on planning applications

- 5.4.1 Residents notified by post of a planning application may email (included in the letter) the appointed case officer directly. Alternatively, representations can be emailed to [planning.enquiry@barnet.gov.uk](mailto:planning.enquiry@barnet.gov.uk).
- 5.4.2 Respondents are required to quote either the planning application number or the full location details for the site in any correspondence.
- 5.4.3 The Council will accept petitions and pro-forma letters as representations, but due to the potentially large number of individual addresses contained in representations of this kind, it may not be possible to reply individually to all those who have submitted a representation. In such circumstances the Council will write to the owner of the petition/pro-forma letter where possible or seek alternative methods of communication.
- 5.4.4 Comments made on planning applications must be made in writing and be received before the consultation period closes. Where an applicant has to make significant changes to a development description (for the purposes of an application) the application must go through a further period of consultation. Representations in such circumstances must be made within 14 days. The Council will normally only acknowledge receipt of responses received by email and those on receipt of a stamped, self-addressed envelope, if one is supplied. We will also notify everyone who made a comment of the Council's decision.



**The Council cannot accept anonymous objections on planning applications or planning policy consultations.**

**Planning applications can only be decided on those matters relevant to planning. These matters are called “material considerations”.**

“Material Considerations” are factors considered in the determination of applications for planning permission and other consents, alongside the Local Plan. They include:

- Effects on traffic, access and parking;
- Scale and appearance of proposal and impact on surrounding area;
- Loss of light;
- Overlooking and loss of privacy;
- Effect on nature conservation and loss of trees;
- Effect on a conservation area;
- Effect on a listed building; Noise pollution;
- Whether the use would be appropriate for the area
- National, regional and local planning policies.

“Non-material Considerations” are factors that cannot be considered in the determination of applications for planning permission and other consents. They include:

- Loss of property value;
- Loss of a view;
- Private issues between neighbours such as land covenants, land boundary disputes, damage to property;
- Problems associated with construction works being carried out, such as noise, dust and disturbance by construction vehicles;
- Competition between firms;
- Structural and fire precaution matters

**Often residents want to comment on matters that cannot be taken into account because they are not controlled by planning legislation. These are non-material considerations.**

## 5.5 Other Types of Planning Applications

5.5.1 We carry out consultations on other applications in accordance with statutory requirements. Consultations are undertaken according to the following general principles:

### Listed Building Consent

For development involving the demolition, in whole or part, or the material alteration of Grade I or II\* listed buildings, Listed Building Consent is required and for works that affect its character as a building of special architectural or historic interest.

These applications are advertised in the local newspaper and by site notice, except where the works are only internal and where the building is listed Grade II.

Where demolition of a listed building is involved, we consult the National Amenity Societies<sup>4</sup>

We consult Historic England in accordance with government guidance.

Other consultation is carried out as appropriate for the individual application e.g. with the local amenity society.

We will consult with Historic England on development sites within Areas of Archaeological Significance as set out in section 2.17 of Barnet's SPD on Sustainable Design and Construction.

### **Certificates of Lawfulness**

If you want to be certain that the existing use of a building is lawful for planning purposes or that your proposal does not require planning permission you can apply for a Certificate of Lawfulness.

Decisions on these applications are a matter of law, not of planning policy so there is no requirement to consult on them. We may, on occasion, consult adjacent occupiers and local amenity societies on applications for a lawful development certificate for existing uses, operations or activities in order to confirm the assertions about the development put forward by the applicant.

### **Advertisement Consent**

You may need to apply for advertisement consent to display an advertisement bigger than 0.3 square metres (or any size if illuminated) on the front of, or outside, your property (be it a house or business premises).

We consult as required by the Regulations, e.g. in relevant cases with the Secretary of State for Transport, neighbouring Boroughs, and bodies responsible for railways and waterways.

### **Prior Approval**

There is a 'prior approval' procedure for single storey rear extensions on dwellinghouses and for changes of use from offices and retail units to residential (among other types of development). For prior approval applications we consult as required by the relevant legislation (Town and Country Planning (General Permitted Development Order) 2015) by serving a notice on adjoining owners or occupiers immediately adjoining the site for a period of 23 days and by displaying a site notice for the same period for the change of use from offices or retail to residential.

## **5.6 Decision Making on Planning Applications**

- 5.6.1 The Council will make decisions on planning applications by considering the advice of Planning Officers, the Local Plan and other relevant material considerations. Such decisions

### **Planning Committees**

In order to give citizens a greater say in Council affairs there are three Area Planning Committees dealing with planning applications. These are divided into three areas: Finchley and Golders Green, Chipping Barnet and Hendon Area Planning Committees.

There is also a Planning Committee which considers planning applications that: represent a departure from the Local Plan; are on behalf of the Council or where the Council has a significant interest; are referred to the Mayor of London and matters of significance to the entire Borough.

*Taken from [Barnet Council's Constitution](#).*

<sup>4</sup> As required by Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015). The Societies are the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Twentieth Century Society and the Victorian Society.

are made in two ways. These are by:

- Delegated powers; and
- Area Planning Committee.

- 5.6.2 The majority of planning applications in Barnet are determined under a delegated scheme to the Assistant Director of Development Management and Building Control.
- 5.6.3 Where five or more objections are received in relation to a planning application (that has been recommended for approval by the appointed planning officer) it will be determined by an Area Planning Committee. The Area Planning Committees are open to the public and all committee papers are available on the Council website. When an application has to be decided by Area Planning Committee, the Council offers people who have made representations the opportunity to speak and make direct representation to elected members (Councillors).
- 5.6.4 The Council's public participation arrangements as laid out in the Council's Constitution (<http://barnet.moderngov.co.uk/documents/s22764/18%20Public%20Participation%20and%20Engagement.pdf>) contain the rules for people wishing to speak at the committee.
- 5.6.5 Committee reports and the agenda are published to view on the Council's website five clear working days before the meeting. Agendas can be viewed at the Planning Reception at Barnet House.

### What happens after a planning application is decided?

## 5.7 Appeal to the Secretary of State

- 5.7.1 When an application is refused, is approved subject to planning conditions or Section 106 requirements for affordable housing an appeal may be made to the Secretary of State. Nearly all appeals are decided by an Inspector. Before making an appeal, discussion with the planning department is encouraged as there may be an opportunity to resolve the issue. A further application may be the best possible course of action and an appeal should only be made when all other possibilities have failed.
- 5.7.2 There is no right of appeal for third parties. This means that if planning permission is granted a member of the public cannot take the application to an appeal.
- 5.7.3 Appeals must generally be made within a specified time period of the decision date to refuse an application.

Further information regarding appeals can be found on the Planning Portal (<http://www.planningportal.gov.uk/planning/appeals/>). Appeals can take several months to decide.

## 6. Enforcement Issues

### 6.1 Overview

- 6.1.1 The Council encourages the community to report cases where they believe that there has been a breach of planning control. All planning enforcement related complaints are treated confidentially.

### 6.2 The Process

- 6.2.1 If the complaint results in a planning application being submitted, then this will be publicised in the normal manner and adjoining neighbours and complainants notified.
- 6.2.2 Members of the public can complain about development that is occurring:
- Without planning permission or a similar consent such as Listed Building Consent
  - Without complying with conditions that have been attached to a permission
  - That is not in accordance with an approved plan
- 6.2.3 In cases where planning enforcement action is taken or not, complainants are informed of the action or offered a full explanation providing the Council's reasons. Many initial complaints relate to non-enforcement issues in the Borough, such as permitted development-type extensions or alterations to a dwelling house. In such cases, the Council will provide the individuals involved with the guidelines for permitted development which do not require planning permission. Such guidance can also be obtained from the Planning Portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

## 7. Complaints to the Council

### 7.1 How and when to make a complaint

- 7.1.1 In circumstances where it is considered that planning applications have not followed the correct council consultation procedure a complaint can be submitted.
- 7.1.2 Please note that a complaint cannot result in the change of a planning decision.  
Tel: 0208 359 3000 or email: [first.contact@barnet.gov.uk](mailto:first.contact@barnet.gov.uk)
- 7.1.3 The Council's Corporate Complaints Policy can be downloaded through the website <https://www.barnet.gov.uk/citizen-home/council-and-democracy/council-and-community/comments-compliments-and-complaints.html>

### 7.2 Local Government Ombudsman

- 7.2.1 Only once Barnet's complaint procedures have been completed can a complaint be taken to the Local Government Ombudsman (LGO). This service explores complaints about councils and some other authorities in a fair and independent way and is a free service. Further information can be found on their website - <http://www.lgo.org.uk/>

Or call the LGO Advice Team on 0300 061 0614. Offices are open Monday to Friday 8:30am – 5:00pm.

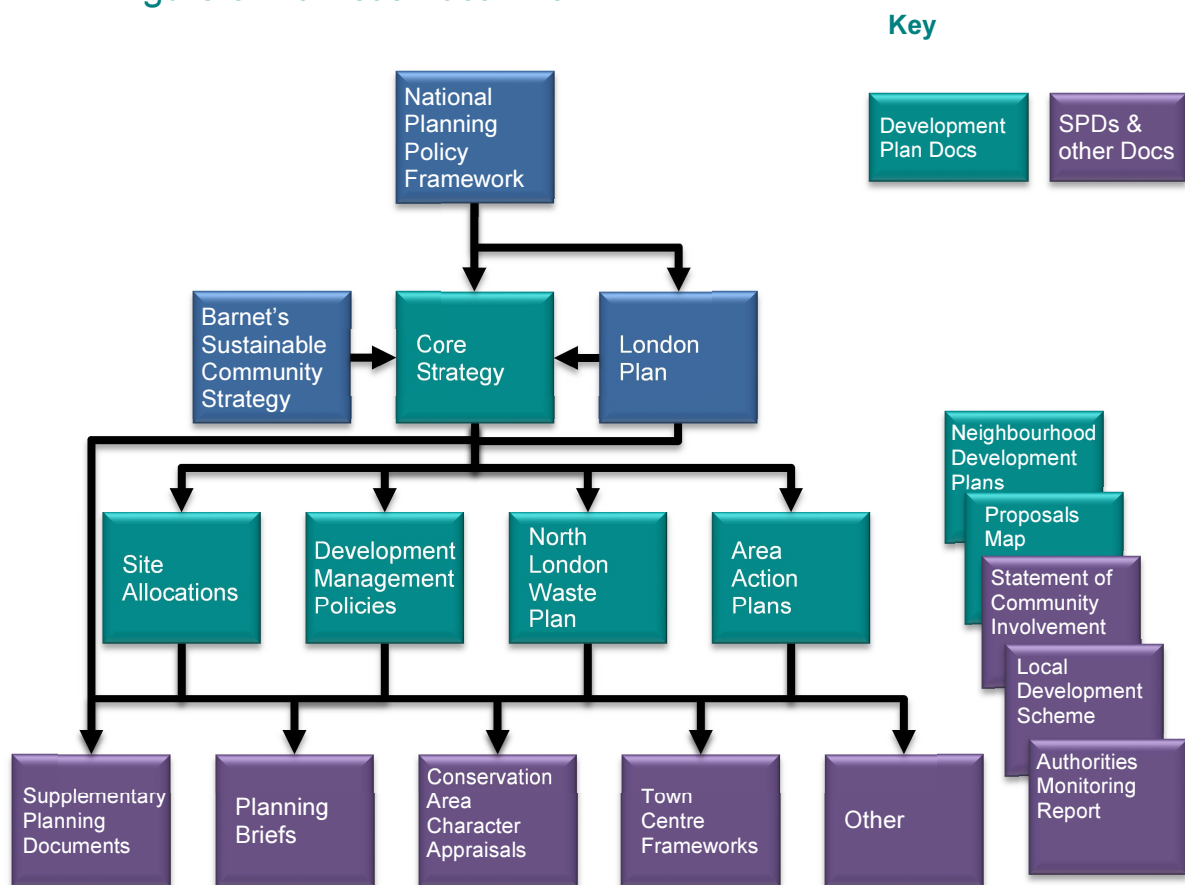
# 8. Planning Policy Consultations

## 8.1 Barnet's Local Plan

8.1.1 The Council is under a statutory duty to put in place a framework of planning policies which can be used to guide development proposals and determine planning applications. This framework is called the Local Plan (formerly the Local Development Framework or LDF) and is comprised of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). The Local Plan must comply with both the National Planning Policy Framework and the Mayor's London Plan.

8.1.2 The diagram below illustrates the structure of Barnet's Local Plan within the context of national and regional planning policy.

Figure 5: Barnet's Local Plan



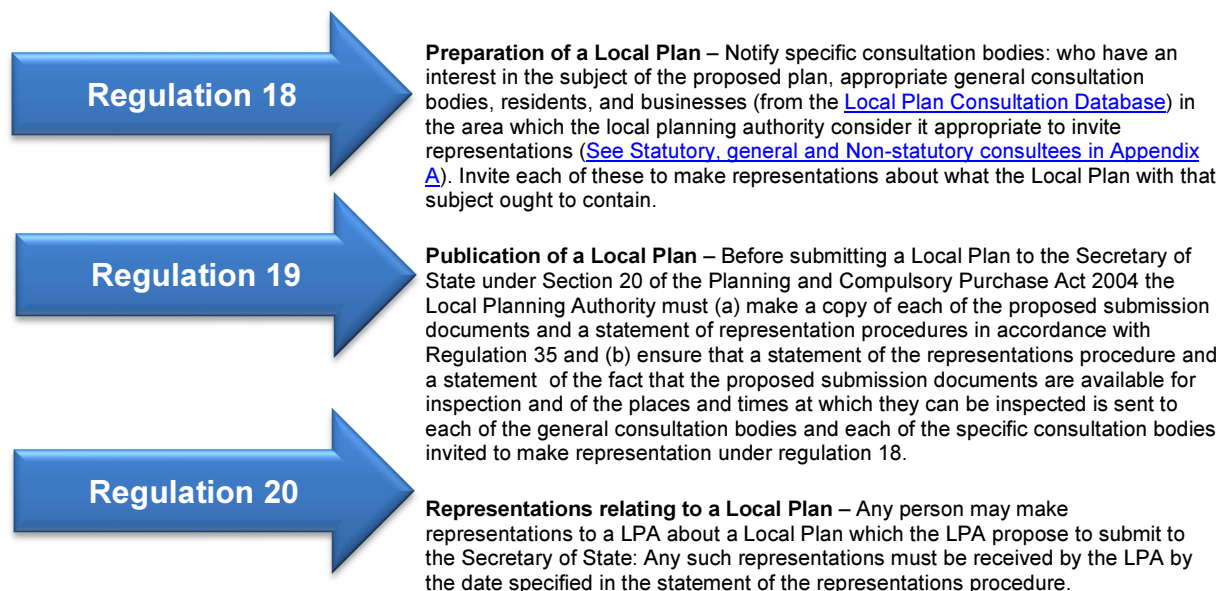
## 8.2 Development Plan Documents (DPDs)

8.2.1 Development Plan Documents are the starting point for a local authority's planning decisions. Planning decisions have to accord with the Local Plan unless indicated otherwise by other important matters (known as 'material considerations'). There are several types of Development Plan Document in Barnet's Local Plan including:

- Core Strategy
- Site Allocations
- Development Management Policies
- North London Waste Plan
- Mill Hill East Area Action Plan
- Colindale Area Action Plan

- 8.2.2 Development Plan Documents are subject to a rigorous statutory process, including community involvement. They are subject to a Sustainability Appraisal, independent examination and Council agreement before adoption. The statutory preparation process for these documents is laid out in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). The main points of the regulations are set out in Figure 6.

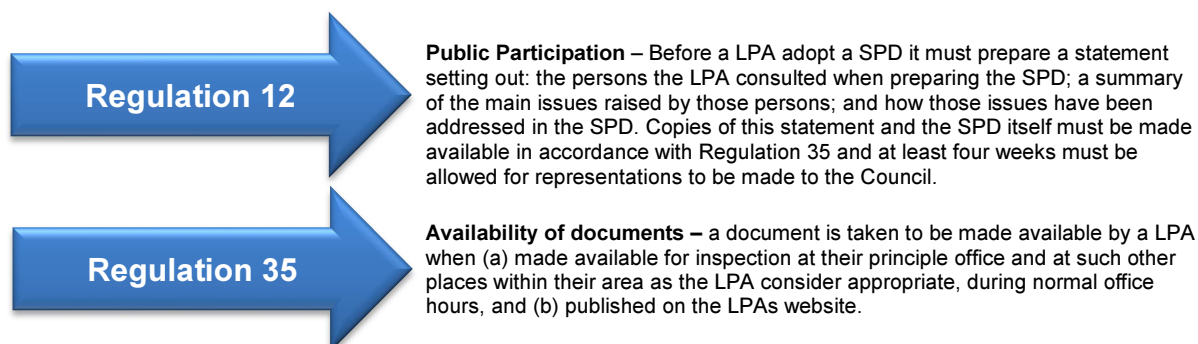
Figure 6: Regulations for Consulting on DPDs



### 8.3 Supplementary Planning Documents (SPDs)

- 8.3.1 Supplementary Planning Documents focus on specific topics and provide additional guidance and interpretation to support policies in the Local Plan. As with Local Plans, the statutory requirements for preparing SPDs are laid out in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). - the key points of which are set out in Figure 7. SPDs cover issues such as residential design, affordable housing and sustainability. SPDs are not subject to independent examination, but require Council agreement before adoption.

Figure 7: Regulations for Consulting on SPDs



### 8.4 Neighbourhood Development Plans

- 8.4.1 These are local (neighbourhood) level planning policy documents that are created by local communities and must comply with the Core Strategy. Adoption of a

Neighbourhood Development Plan is subject to majority support at a local referendum (See section 8).

### 8.5 Local Development Scheme

- 8.5.1 The timetable for the production of Local Plan documents is set out in the Local Development Scheme. This timetable is updated annually in the Authorities Monitoring Report.

### 8.6 Sustainability Appraisals (SAs)

- 8.6.1 A SA is an assessment of the economic, social and environmental impacts of policies or proposals contained in certain planning documents and some area specific SPDs in order to promote sustainable development. SAs are subject to consultation and are published alongside draft and final DPDs and SPDs.



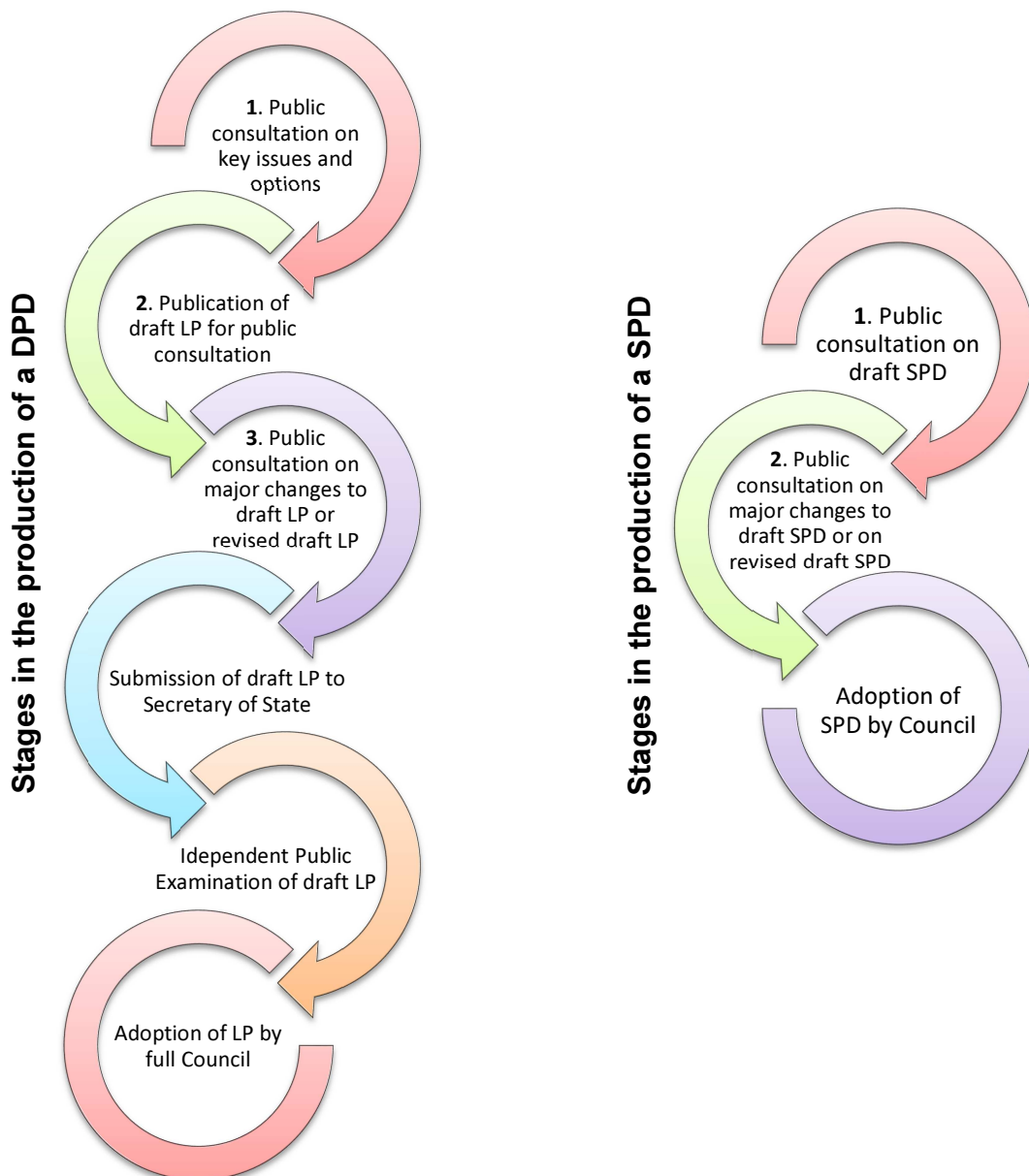
## 8.7 Community involvement in the preparation of a DPD

8.7.1 There are usually three stages in the production of DPDs which involve public consultation and engagement. However, there will only be a third stage of consultation if any major changes are made to the draft document prior to submission to the Secretary of State. There is also an opportunity for people to speak at the Independent Public Examination.

## 8.8 Community involvement in the preparation of a SPD

8.8.1 SPDs are drafted in a similar way to DPDs; however, they are not subject to the submission and examination stages and do not usually require SAs particularly if they are related to a Development Plan Document which has already undergone a SA. There is usually just one stage of public consultation in the production of a SPD. However, if major changes are made to the document there may be a second consultation

Figure 8: Stages in the Production of DPDs and SPDs



## 8.9 Opportunities to be Involved

- 8.9.1 During the consultation stages of DPDs and SPDs, the relevant documents will be made available for inspection on the Planning Policy pages of the website and hard copies of the relevant documents will also be made available in Barnet's local libraries.
- 8.9.2 We will consult as widely as resources will allow and ensure as wide a range of views in shaping the future of Barnet. We will use email as a primary All groups and individuals who have made comments during a consultation will be notified of further stages of consultation during the production of that document and will be informed of its formal adoption at the end of the process.

## 8.10 What happens to your views and comments?

- 8.10.1 When engaging the community on planning documents, we understand the importance of providing feedback to those who have made the effort to respond to our consultations; setting out how we have responded to their comments.
- 8.10.2 Two documents are produced and published alongside each consultation. The first is a Representation Report, a schedule of comments made after the consultation together with the Council's responses. The **Representation Report** is usually reported to Committee as part of the decision making process of the DPD or SPD. It is therefore available for public inspection on the committee and Planning Policy section of the Councils website (see Planning Committee <http://barnet.moderngov.co.uk/ieDocHome.aspx?bcr=1>).
- 8.10.3 The second document is a **Consultation Statement** this sets out who was consulted, how they were consulted, a summary of the main comments received and how these have been addressed. This too, is made available for public inspection and published on the Council website.

## 9. Neighbourhood Planning

### 9.1 Overview

- 9.1.1 The Localism Act 2011 introduced statutory policies which enable communities to draw up a Neighbourhood Plan for their area. This power is intended to give communities more of a say in the development of their local area (within certain limits and parameters). More details on the legal requirements for neighbourhood planning are provided in the Neighbourhood Planning Regulations<sup>5</sup>.
- 9.1.2 Neighbourhood planning can involve the production of a Neighbourhood Plan or a Neighbourhood Development Order (NDO). A Neighbourhood Development Plan sets out policies for the development and use of land for the area concerned. Once formally 'made' it forms part of the statutory development plan for its area and the Council must consider it when making planning decisions within the neighbourhood area. A Neighbourhood Development Order can be used to grant 'planning permission' without the need for a planning application. The process for the production of a Neighbourhood Plan is very similar to a NDO.
- 9.1.3 Neighbourhood planning can be taken forward by two types of body - town and parish councils or 'Neighbourhood Forums'. Neighbourhood forums are community groups that are designated to take forward neighbourhood planning in areas without parishes. It is the role of the local planning authority to agree who should be the neighbourhood forum for the neighbourhood area.
- 9.1.4 The criteria for establishing neighbourhood forums have been kept as simple as possible to encourage new and existing residents, organisations and voluntary and community groups to put themselves forward.
- 9.1.5 Before embarking on the process to produce a Neighbourhood Development Plan, it may be advisable to seek independent advice:

- **Planning Aid** - <http://www.rtpi.org.uk/planningaid/> - Professional advice and information available to those who cannot afford to pay professional fees.
- **Planning for Real** - <http://www.planningforreal.org.uk/> - A community planning model (using interactive, hands-on tools and techniques) that helps people to shape where they live.
- **Community Planning** - <http://www.communityplanning.net/> - Provides easily accessible 'how to' guidance on community planning and best practice.

**Table 2: A summary of the key stages in Neighbourhood Planning**

Stages	Stage Title	Details
Step 1	Designating Neighbourhood Area and Neighbourhood Forum	<ul style="list-style-type: none"> <li>• Prospective Neighbourhood Forum submits an application to Barnet Council to designate a Neighbourhood Area</li> <li>• The Council publicises and consults on the Area application for minimum 6 weeks</li> <li>• The Council designates a Neighbourhood area</li> <li>• The Neighbourhood Forum submits an application to be a designated Neighbourhood Forum for a Neighbourhood Area</li> <li>• The Council publicises and consults on the forum application for minimum 6 weeks and takes decision on whether to designate the Neighbourhood Forum</li> <li>• Following designation the Neighbourhood Forum becomes the qualifying body.</li> </ul>
Step 2	Preparing a draft Neighbourhood	<p>Forum develops proposals (advised or assisted by the Council)</p> <ul style="list-style-type: none"> <li>• Gather baseline information and evidence</li> </ul>

<sup>5</sup> Neighbourhood Planning (General) Regulations: <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

	Plan or Order	<ul style="list-style-type: none"> <li>• Engage and consult those living and working in the Neighbourhood Area and those with an interest in or affected by the proposals (e.g. service providers)</li> <li>• Talk to land owners and the development industry</li> <li>• Identify and assess options</li> <li>• Determine whether European Directives might apply</li> <li>• Start to prepare proposals documents e.g. basic conditions statement</li> </ul>
Step 3	Pre-submission publicity & consultation	<p>The forum:</p> <ul style="list-style-type: none"> <li>• publicises the draft Plan or Order and invites representations</li> <li>• consults the consultation bodies as appropriate</li> <li>• sends a copy of the draft Plan or Order to the Council</li> <li>• where European Directives apply, complies with relevant publicity and consultation requirements</li> <li>• considers consultation responses and amends Plan / Order if appropriate</li> <li>• prepares consultation statement and other proposal documents</li> </ul>
Step 4	Submission of Neighbourhood Plan or Order proposal to the LPA	<ul style="list-style-type: none"> <li>• Forum submits the Plan or Order proposal to the Council</li> <li>• The Council checks that submitted proposal complies with all relevant legislation</li> <li>• If the Council finds that the Plan or Order meets the legal requirements it: <ul style="list-style-type: none"> <li>○ publicises the proposal for minimum 6 weeks and invites representations (see 8.3.2)</li> <li>○ notifies consultation bodies referred to in the consultation statement</li> <li>○ appoints an Independent Examiner (with the agreement of the qualifying body)</li> </ul> </li> </ul>
Step 5	Independent Examination	<ul style="list-style-type: none"> <li>• The Council sends Plan / Order proposal and representation to the Independent Examiner</li> <li>• Independent Examiner undertakes examination</li> <li>• Independent Examiner issues a report to the local planning authority and qualifying body</li> <li>• The Council publishes report</li> <li>• The Council considers report and reaches own view (save in respect of community right to build orders where the report is binding)</li> <li>• The Council takes the decision on whether to send the Plan / Order to referendum</li> </ul>
Steps 6 and 7	Referendum and Making the Neighbourhood Plan or Order	<ul style="list-style-type: none"> <li>• The Council publishes decision statement</li> <li>• The Council publishes notice of referendum/s</li> <li>• Polling takes place (in a business area an additional referendum is held)</li> <li>• Results declared</li> <li>• Subject to results the Council considers Plan /Order in relation to EU Directives and Convention rights</li> </ul>

## 9.2 Stages of Consultation in the Production of Neighbourhood Development Plans

9.2.1 As part of the process for preparing Neighbourhood Plans, Neighbourhood Forums are encouraged to arrange community consultation events to establish the key issues within the area, gather evidence to support the plan, identify and generate options for policies, and to decide its content.

## 9.3 Neighbourhood Plan – Pre-submission Consultation and Publicity

9.3.1 It is the responsibility of the Neighbourhood Forum to undertake the first formal stage of consultation on their Neighbourhood Plan before submitting it to the Council. The Forum must publicise their proposed Neighbourhood Plan for at least six weeks including details of where and when it can be viewed, and how representations can be made (to the Neighbourhood Forum). The Forum must consult with the [bodies set out in Appendix B](#) of this document and with any owners of land that is proposed to be developed within the Plan.

9.3.2 Following pre-submission consultation, the Neighbourhood Forum should assess all comments received, and where relevant, make changes to the Neighbourhood Plan. This should form the basis of a document called the 'Consultation Statement'.

Once the Neighbourhood Plan has been finalised, it can be formally submitted to the Council.

### 9.4 Publishing the Neighbourhood Plan

9.4.1 Once the Neighbourhood Plan has been submitted it will be published for at least six weeks on the Council website. The Council will also notify bodies referred to in the submitted Consultation Statement that accompanies the Neighbourhood Plan.

### 9.5 Examination

9.5.1 Following the above period of publicity, the Council will make arrangements for the holding of an independent examination. This will include the appointment of an independent examiner, and the submission to that examiner of the Neighbourhood Plan and all other relevant documents and representations received by the Council.

### 9.6 Post Examination

9.6.1 Following the examination, the examiner will produce a report which will recommend one of the following:

- That the plan proceed to referendum stage without any changes;
- That further modifications are required to the plan, before it can proceed to referendum stage; or
- That the plan does not meet the 'basic conditions' and the plan should not proceed to referendum stage.

9.6.2 After the Neighbourhood Plan has been through examination, the Council is required to publish a 'decision statement' and to bring it to the attention of those who live or work within the neighbourhood area.

### 9.7 Referendum

9.7.1 Following the Council's consideration of the independent examiners report and decision to proceed with the Neighbourhood Plan a referendum is held in accordance with the Neighbourhood Planning (Referendums) Regulations 2012<sup>6</sup>. The Council publishes an information statement which specifies that:

- a referendum will be held;
- The date of the referendum;
- The question to be asked in the referendum;
- a map of the referendum and the neighbourhood area; and
- a description of the persons entitled to vote (among other criteria laid out in the legislation)

9.7.2 As such the Council must publish the information statement and the specified documents at least 28 working days before and throughout the referendum. .

- On the Council website;
- At Barnet's Planning Reception; and
- In Barnet's local libraries.

### 9.8 Post Referendum

9.8.1 Following the referendum the Council will publish the decision to 'make' the Neighbourhood Plan (or not to 'make' the Neighbourhood Plan, dependent upon the

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<sup>6</sup> <http://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>

referendum results) on the Council's website, and will write to stakeholders within and adjacent to the proposed Neighbourhood Area to inform them of the decision.

## 10. Community Infrastructure Levy (CIL)

### 10.1 Overview

- 10.1.1 The Community Infrastructure Levy (CIL) is a planning charge that local authorities and the Mayor of London can set on new development to help pay for community infrastructure. The legal document setting out a local CIL and the rates at which it is levied is called a 'Charging Schedule'. Barnet's CIL Charging Schedule was adopted in May 2013.
- 10.1.2 [The Community Infrastructure Levy Regulations 2010](#) set out the consultation requirements where an authority is developing a local CIL.

### 10.2 Stages of consultation

- 10.2.1 Future revisions of the Charging Schedule will be subject to two stages of consultation:
- the 'preliminary draft charging schedule' – the Council's initial CIL proposals.
  - the 'draft charging schedule' – prior to examination.
- Both drafts must be sent to the following consultation bodies:
- neighbouring authorities; and
  - The Mayor of London;
- 10.2.2 However, the charging authority must also invite representations on the preliminary Draft Charging Schedule from:
- Persons who are resident or carrying on business in Barnet;
  - Voluntary bodies some or all of whose activities benefit Barnet; and
  - Bodies which represent businesses in Barnet.
- 10.2.3 The publication of the Draft Charging Schedule must be accompanied by a 'statement of the representations procedure', which explains:
- the date by which comments should be received (not less than four weeks from the consultation start date),
  - how comments should be submitted,
  - that those commenting can request to be heard at the public examination, and
  - that comments can be accompanied by a request to be notified later in the process.
- 10.2.4 The draft must be published on the Council's website, made available for inspection and published in the local press.
- 10.2.5 Public notice must also be issued in the local press stating when and where the relevant documents are available for inspection.
- 10.2.6 When the Draft Charging Schedule is submitted to the examiner the Council will notify those who have requested to be informed.
- 10.2.7 Once a Charging Schedule has been approved by Council, notice must be given in the local press of the approval and to those persons who requested to be notified. A copy of the Charging Schedule must be sent to each of the relevant consenting authorities (the Secretary of State and the Mayor of London).

# 11. Conservation Area Character Appraisals (CACAs)

## 11.1 Overview

- 11.1.1 There are 16 conservation areas in the borough – these are areas of special architectural or historic interest that we believe should be preserved.
- 11.1.2 Most conservation areas have a Character Appraisal Statement that includes information about what makes them so special. They identify the important characteristics of an area, as well as giving residents an idea of what enhancements could be made. It will be a material consideration when determining planning and other applications. A CACA will be comprised of a Character Appraisal and Management Proposals.

## 11.2 Consultation

- 11.2.1 Public consultation is an integral part of the process of preparing and adopting conservation area character appraisal statements and brings valuable public understanding and ownership to proposals for the area.
- 11.2.2 All properties within the conservation area will be notified of the consultation, which will run for a period of three weeks. A notice will also be placed in the relevant local press.
- 11.2.3 In addition the Council will engage with other relevant interested parties including English Heritage, amenity societies and any local area heritage associations or societies on the draft CACA.
- 11.2.4 Comments will be taken into consideration in finalising the CACA and those who have played an active part in the consultation will be notified of the adoption of the final document.

# 12. Article 4(1) Directions

## 12.1 Overview

- 12.1.1 Permitted development (PD) rights allow certain building works and changes of use to be carried out without having to make a planning application. However, permitted development rights may be removed by a Local Planning Authority through the use of Article 4(1) Directions. See [Town and Country Planning \(General Permitted Development\) Order 2015](#).

## 12.2 Consultation

- 12.2.1 Following the making of an Article 4(1) Direction, the Council will:
- publish a notice of the direction in the local press
  - display at least two site notices for a period of at least six weeks
  - notify the owners and occupiers of the affected properties and land, unless this is impractical, and
  - publish a notice of the Article 4(1) Direction on the Council's website.
  - a copy of the Article 4(1) Direction will be sent to the Secretary of State.
- 12.2.2 The Council must allow at least 21 days for representations to be made.



- 12.2.3 The approval of the Secretary of State is required before the direction can be confirmed.
- 12.2.4 Once an Article 4(1) Direction has been confirmed, the Council will inform affected owners and occupiers in the same way as required for the notification of the making of the direction (11.1.2) and send a copy of the Article 4(1) Direction to the Secretary of State.

## 13. Applications to Lop, Top or Fell Protected Trees

### 13.1 Background and procedures

- 13.1.1 Tree Preservation Orders (TPOs) can be issued by Local Planning Authorities and are made to protect trees that bring significant amenity benefit to the local area. National guidance and information regarding TPOs and trees in conservation areas can be found in the National Planning Policy Guidance.  
<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/>
- 13.1.2 All types of tree, but not hedges, bushes or shrubs can be protected, and a TPO can protect anything from a single tree to all trees within a defined area or woodland.
- 13.1.3 A TPO is a written order, which makes it a criminal offence to cut down, top, lop, uproot, wilfully damage or destroy a tree protected by that order, or to cause or permit such actions, without the authority's permission.
- 13.1.4 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. Applications and notices for works to trees are published on the Council website.
- 13.1.5 Site notices will be erected on receipt of applications for works to trees which are included in a Tree Preservation Order. In addition the owner and/or neighbouring occupiers may be notified in writing if it is considered appropriate to do so.
- 12.1.1 Members of the public can check whether (a) particular tree(s) is(are) currently protected before carrying out any work on it by contacting [planningtrees@barnet.gov.uk](mailto:planningtrees@barnet.gov.uk)

## 14. Resources

### 14.1 How we will resource community involvement

- 14.1.1 Undertaking consultation is a fundamental part of the planning process and it is resource intensive. Consultation generally incurs direct costs in terms of resources and staff time.
- 14.1.2 Technology has helped to reduce costs, for example, through the ability to email individuals on the Local Plan Consultation Database rather than incurring the cost of mailing letters, and the use of social media is expected to play a more prominent role in reaching out to groups such as children and young people who have previously not been as engaged with planning as other age groups.
- 14.1.3 What we have set out in this statement of community involvement is capable of being resourced from within existing budgets based on the current resources available to the planning service.



- 14.1.4 We will aim to use the most cost effective methods of consultation, whilst balancing the need to carry out the highest standards of consultation.

## Appendix A - Consultees

Appendix A lists only consultees involved in the preparation of the Local Plan and not planning applications for development proposals. The appendix lists consultees as specified in Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The lists in this section are not exhaustive, and also relate to successor bodies where reorganisations may occur.

### Statutory Consultees

Part 2 of the Town and Country Planning (Local Plan) (England) Regulations 2012 specifies that the following bodies must be consulted in accordance with Section 33a of the Planning and Compulsory Purchase Act 2004 in the preparation of Local Plans.

Mayor of London

Adjoining Local Planning Authorities

Environment Agency

Historic Buildings and Monuments Commission for England (known as Historic England)

Homes and Communities Agency

Natural England

Clinical Commissioning Group

Transport for London

London Enterprise Partnership

Highways Agency

Relevant sewerage and water undertakers e.g. Thames Water

Relevant telecommunications companies

Relevant gas and electricity companies

Network Rail

### General Consultation Bodies

Voluntary bodies some or all of whose activities benefit any part of the Borough (e.g. CommUNITY Barnet)

Bodies which represent the interests of:

- different racial, ethnic or national groups in the Borough
- different religious groups in the Borough
- different age groups (including children and young people as well as older people)
- disabled persons in the Borough
- businesses in the Borough

**Government Departments (if necessary)**

Home Office

Department for Education

Department for Business, Innovation and Skills

Department for Environment, Food and Rural Affairs

Department for Transport

Department of Health (through relevant Regional Public Health Group)

Ministry of Defence

Department of Works and Pensions

Department for Constitutional Affairs

Department for Culture, Media and Sport

Office of Government Commerce (Property Advisers to the Civil Estate)

**The Council will consult the following bodies, where appropriate**

Age UK

Barnet Partnership Board

British Geological Survey

British Waterways

Centre for Ecology and Hydrology

Chamber of Commerce, Local CBI and local branches of Institute of Directors

Church Commissioners

Civil Aviation Authority

Coal Authority

Commission for Racial Equality

Crown Estate Office

Diocese Board of Finance

Disabled Persons Transport Advisory Committee

Environmental Groups at national, regional and local level, including;

Council for the Protection of Rural England

Friends of the Earth

Royal Society for the Protection of Birds

London Wildlife Trust

Local Historic, environmental and amenity groups and societies, including Conservation Area Advisory Committees (CAACs)

Equality and Human Rights Commission

Fields in Trust  
Freight Transport Association  
Gypsy Council  
Health and Safety Executive  
Homes and Communities Agency  
Home Builders Federation  
Learning and Skills Council  
Royal Mail Property Holdings  
Registered Providers  
Sport England  
Friends, Families and Travellers (FFT)  
Women's National Commission  
The Theatres Trust  
Middlesex University  
Barnet College  
Metropolitan Police  
Town Teams  
Contacts on the Local Plan Consultation Database (including residents who have requested to be added to the database)

## Appendix B - Neighbourhood Planning

### Statutory Consultees for Neighbourhood Planning

Mayor of London

A local planning authority or parish Council any part of whose area is in or adjoins the area of the local planning authority

Homes and Communities Agency

Natural England

Environment Agency

Historic England (The Historic Buildings and Monuments Commission for England)

Network Rail Infrastructure Ltd

Highways Agency

Relevant telecommunications companies

Public Health or Clinical commissioning groups or successor bodies,

Relevant electric and gas companies

Thames Water

Voluntary bodies

Bodies which represent the interests of different racial, ethnic or national groups in the neighbourhood area

Bodies which represent the interests of different religious groups in the neighbourhood area

Bodies which represent the interests of persons carrying on business in the neighbourhood area, and

Bodies which represent the interests of disabled persons in the neighbourhood area.