



Policy and Resources Committee

24 September 2020

Title

Barnet's Statement of Community Involvement – COVID 19 Addendum

Report of

Chairman of Policy and Resources Committee

Wards

All

Status

Public

Urgent

No

Key

Yes

Enclosures

Appendix A – Addendum to Barnet's Statement of Community Involvement (SCI) 2018

Officer Contact Details

Nick Lynch – Planning Policy Manager (0208 359 4211)
Nick.Lynch@barnet.gov.uk

Summary

The Statement of Community Involvement (SCI) sets out how the Council will involve local residents, businesses and community groups in the preparation of planning documents and the consideration of planning applications. In response to the Covid-19 pandemic and in preparation for public consultation on the next draft version of the Local Plan (Regulation 19) the Council is clarifying, through this Addendum how it will engage with the community and continue to ensure that planning processes in Barnet remain fair, transparent and inclusive.

Officers Recommendations

That the P&R Committee:

- **Agrees the Addendum to Barnet’s Statement of Community Involvement (SCI) 2018 (Appendix A)**
- **Delegates authority to the Deputy Chief Executive to make any necessary changes to the document in consultation with the Leader before the final version is published.**
- **Delegates authority to the Deputy Chief Executive in consultation with the Leader to withdraw the Addendum at an appropriate date.**

1. WHY THIS REPORT IS NEEDED

- 1.1 Effective community involvement in decision-making, in particular within the planning process, is a vital part of supporting communities to become more active and resilient. It helps local people to shape their area and the services they receive.
- 1.2 One of the main ways that people can help shape their area is through the production of Barnet’s Local Plan. In March 2020 the Council completed initial consultation on the draft Local Plan – Preferred Approach (Regulation 18). This generated responses from 400 interested parties which is progressing to it’s second round of public consultation in early 2021. Consultation involved over 30 presentations to a cross-section of residents, community groups and strategic partners as well as other stakeholders. At such events planners were able to discuss the Local Plan and explain Barnet’s approach.
- 1.3 The Statement of Community Involvement (SCI) sets out the commitments of the Council as local planning authority with regards to engagement with the public in all planning matters. In order to make the planning process transparent, inclusive and accountable the SCI sets out the processes by which consultation and engagement will be conducted on a range of planning documents including Local Plans, Supplementary Planning Documents and Neighbourhood Plans as well as planning applications. The Addendum clarifies a temporary change to these processes in response to Covid-19. This temporary change will apply to consultation on the next draft version of the Local Plan (Regulation 19) which the Council expects to approve for consultation in early 2021. In response to the restrictions created by Covid-19 planners will maximise opportunities for virtual meetings and interaction as well as ensure relevant materials are available on the website.
- 1.4 Barnet’s first SCI was adopted in 2007 and substantially revised in 2015 and 2018. In response to Covid-19 the Council is clarifying, through this Addendum how it will engage, on an interim basis, with the community and ensure that planning processes in Barnet remain fair, transparent and inclusive whilst ensuring that staff, Councillors and other interested parties are not put at risk.
- 1.5 The Government’s White Paper ‘Planning for the Future’ published in August 2020 proposes a major shake-up of the current system of local plans, development management and developer contributions. The White Paper proposes that community consultation at the planning application stage is “streamlined” and replaced by “a new emphasis on engagement at the plan-making stage”. This will prove challenging as it is only when a proposal is actively being discussed, rather than the plan-making stage, that most people are motivated to engage.

- 1.6 Legislation will take some time to formulate for reforming a planning system which was largely established through the 1947 Town and Country Planning Act. The Council intends to progress its Local Plan under the existing system. The Council expects the Local Plan to be adopted by Spring 2022. This follows an Examination in Public conducted by a Government appointed planning inspector in Autumn 2021.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Government's National Planning Policy Framework (2019) reinforces the importance of community involvement in the planning process. It states in para 16 that plans should:

“Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.”

- 2.2 The SCI is a statutory document required by Section 18 of the Planning and Compulsory Purchase Act 2004. Barnet's SCI is set out as follows:

- The introduction provides a summary of the SCI and highlights the main legislation regarding consultation and community involvement in planning;
- Section two outlines how community involvement and engagement complies with Barnet's Consultation and Engagement Strategy and the various methods used;
- Sections three to seven set out how we consult and involve the community on matters relating to planning applications. This highlights the introduction of Permission in Principle and the Brownfield Register;
- Section eight relates to how we will involve and engage the community on matters relating to planning policy including the new Local Plan;
- Section nine relates to Neighbourhood Planning and reflects changes arising from the Neighbourhood Planning Act 2017;
- Subsequent sections relate to the Community Infrastructure Levy, Conservation Area Character Appraisals, Article 4(1) Directions as well as applications to carry out works to trees. The final section relates to resource availability for ensuring community involvement.

- 2.3 The addendum to the SCI is in response to the impact caused by Covid-19 as it has restricted the normal processes for public consultation. This includes not being able to hold face-to-face community consultation events or providing physical planning documents for inspection.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The alternative option is not to revise and update this statutory document. This will contribute to uncertainty about the Council's approach to consultation and miss an opportunity to clarify how it has responded to Covid-19 in ensuring the planning process remains transparent, inclusive and accountable

4. POST DECISION IMPLEMENTATION

- 4.1 The SCI is prepared through powers contained within the Planning and Compulsory Purchase Act 2004 and the associated Town and Country Planning (Local Planning) Regulations 2012.
- 4.2 The SCI will be used by Barnet's Development Management and Strategic Planning services as the basis for all planning consultations including emerging Supplementary Planning Documents for Edgware Town Centre as well as the Regulation 19 version of the Local Plan. In line with current national guidance, more online engagement will be used during planning consultations, such as virtual exhibitions and digital consultations. Those without access to internet can still gain access to consultation information through different methods that are listed in the 2018 SCI, such as public notices and information passed on from those in community groups. Engagement by telephone or in writing will continue to be used. Pre-bookable computers at Barnet's libraries can also provide access to online consultation material.
- 4.3 The Addendum is a temporary measure which will be withdrawn, with the advice of the Director of Public Health, when it is safe to do so.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 One of the Corporate Plan 2019-2024's priority on focusing on the strengths of the community and what they can do to help themselves and each other is embedded within the SCI.
- 5.1.2 The Council's Consultation and Engagement Strategy sets out what good community engagement requires with objectives for local communities and residents to provide them with opportunities to:
- Gain greater awareness and understanding of what the Council does;
 - To voice their views and know how they can get involved; and
 - To have their views fed into the democratic decision-making process
- 5.1.3 The approach to consultation and engagement within the SCI is consistent with the Barnet Engagement Model as set out in the Consultation and Engagement Strategy.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The cost of producing the SCI is included in the Re contract.
- 5.2.2 Consultation activities in relation to planning policy are funded by the party commissioning the policy work as relevant consultation activity is a requirement for developing new policy.
- 5.2.3 Consultation and engagement activities relating to planning applications are funded by

fee income or bespoke arrangement with the developer.

5.3 **Social Value**

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.

5.3.2 Social benefits will be secured through the opportunities given to the local community and residents to be involved in all planning matters.

5.4 **Legal and Constitutional References**

5.4.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of the Local Plan. Upon adoption the SCI becomes a statutory document that forms part of Barnet's Local Plan.

5.4.2 The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 have made temporary changes to how documents are made available under regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. They temporarily remove the requirement on a local planning authority to make documents available for public inspection at the authority's principal office and at such other places as the authority considers appropriate. They also make temporary changes to regulation 36 of the 2012 Regulations to remove the requirement on a local planning authority to provide hard copies of documents made available under regulation 35. This modification will apply until 31 December 2020. This Addendum extends these temporary changes for a longer period until it is safe, with the advice of the Director of Public Health, to resume consultation processes set out in the SCI.

5.4.3 Under the Council's Constitution, Document Article 7 (section 7.5 Responsibility for Functions) sets out that the Policy and Resources Committee is responsible for the overall strategic direction of the Council including responsibility for Local Plans.

5.5 **Risk Management**

5.5.1 Failure to revise the SCI, albeit on a temporary basis in response to Covid19, could lead to challenges that the Council is not undertaking consultation in accordance with current Planning Regulations and other relevant legislation. This would leave engagement procedures and therefore planning decisions open to challenge because they have not been made in accordance with the statutory SCI.

5.5.2 This risk has been managed by ensuring that, at the very least, the minimum consultation requirements set out in the Town and Country Planning Regulations and the Development Management Procedure Order are adhered to.

5.6 **Equalities and Diversity**

5.6.1 The Equalities, 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:-

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act, 2010;
- Advance equality of opportunity between people of different groups; and
- Foster good relations between people from different groups.

Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

5.6.2 The SCI helps ensure the opportunity is given to all sectors of the community to participate in local planning processes. It sets out how we will involve the rich diversity of local residents, businesses and community groups in the preparation of planning documents and the consideration of planning applications so that all voices are heard, consultations are accessible and inclusive to different groups including hard to hear voices.

5.6.3 During these times where restrictions are in place, sections of the community will be harder to reach with no internet access and access to physical consultation documents. The Council will work with residents associations and community groups to help reach out to those in their community without access to consultation material. Public notices will continue to be used to provide consultation information and engagement through telephone or in writing will continue to be used.

5.7 **Consultation and Engagement**

5.8 Paragraph 78 of Planning Practice Guidance sets out that Local Planning Authorities are not required to consult when reviewing and updating their SCI.

6. **BACKGROUND PAPERS**

6.1 Policy & Resources Committee – January 6th 2020 - Barnet's Local Plan Preferred Approach (Regulation 18)
<https://barnet.moderngov.co.uk/documents/s56947/Reg%2018%20PR%20Committee%20Report2.pdf>

6.2 Barnet's Statement of Community Involvement, October 2018
<https://www.barnet.gov.uk/planning-and-building/planning-policies-and-local-plan/local-plan-review>