

Council of the London Borough of Barnet Statement of Community Involvement (June 2006)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the London Borough of Barnet Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (the Act), as applied by s18(4) of the Act.
- 1.2 Section 20(5) indicates the two purposes of the independent examination in parts (a) and (b). With regard to part (a) I am satisfied that the SCI satisfies the requirements of the relevant sections of the Act, in particular that its preparation has accorded with the Local Development Scheme as required by s19(1) of the Act.
- 1.3 Part (b) is whether the SCI is sound. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks, the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is clear need in the light of tests in PPS12.
- 1.4 A total of 55 representations were received, all of which have been considered. In its section 31 Statement the Council proposed a number of amendments to the SCI in response to representations received (see Appendix B of this report). These have been taken into account in the preparation of this report, as has also the Council's schedule of typographical and minor corrections produced subsequently and Appendix 2 in which the Council assesses the range and effectiveness of methods of community involvement (Appendix C of this report).

Test 1

- 2.1 The Council has undertaken the consultation statutorily required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004, and I am satisfied that this test is met.
- (R1)** The Council are to notify all those who made a representation on the submission SCI of the publication of the Inspector's Report and the subsequent adoption of the SCI.

Conclusion

- 2.2 Subject to the above recommendation this test is met.

Test 2

- 3.1 Paragraphs 1.29-31 recognise the links between the LDF, the SCI and the up to date Community Strategy which has been approved by the Council and published by the Local Strategic Partnership in 2006. The SCI shows a clear understanding on the part of the Council of the advantages of closer integration of the Community Strategy with the LDF regime through joint working and consultation where appropriate, with the LDF incorporating relevant land use elements of the Community Strategy. I am satisfied that the Council recognise the links between the strategies, the LDDs and the associated consultation exercises.

Conclusion

- 3.2 This test is met.

Test 3

- 4.1 Paragraphs 2.11 to 2.20 identify the main groups of consultees and stakeholders. They are listed in Appendix 1 which includes both the specific bodies from PPS12 Annex E and general consultation bodies. I shall recommend that the list of the 4 statutory agencies under Specific Consultation Bodies be updated. The present list is not exhaustive and the re-organisation of such consultation bodies as English Nature should be acknowledged in the SCI. I recommend an additional sentence be added to this effect as well as a correction to the list.
- (R2)** It should be noted that the lists in Appendix 1 are not exhaustive and also relate to successor bodies when reorganisations occur.
- (R3)** Under Specific Consultation Bodies in Appendix 1 (page 34) The Countryside Agency and English Nature should be deleted and replaced by Natural England.
- 4.2 Paragraph 2.17 of the SCI states that the Council has an extensive database of voluntary organisations and community groups and at Paragraph 2.23 that its LDF database contains details of all groups and individuals with an active interest in planning issues. Where appropriate the Council will consult the existing Citizen's Panels for Black and Minority Ethnic groups and people with disabilities as well as the Youth Board and Older People's Forum. The database will be continuously updated to include additional consultees
- 4.3 Appendix 2 identifies the various methods of consultation in a matrix which assesses the benefits and appropriateness of the various modes. The methods cover the minimum requirements of the Regulations. However, the SCI expresses reservations about the effect of a limited resource base on the range of consultation. That is not the test of the need for consultation, which is whether a

community interest is affected by a planning proposal. I shall recommend that that matter be clarified.

- (R4)** Paragraph 2.15 of the SCI should be expanded to explain that consultation will only take place with community interests when their interests are affected by specific planning proposals.

Conclusion

4.5 Subject to the above recommendations this test is met.

Test 4

- 5.1 The various headed subsections of Part 2 of the SCI detail the Council's intentions to involve and inform statutory consultees, community organisations, and individuals from the earliest stages of DPD preparation, including the identification of issues and options as required under Regulation 25. Paragraphs 2.11 to 2.20 describe the range of community involvement, differentiating between wider and local levels.

Conclusion

5.2 This test is met.

Test 5

- 6.1 Appendix 2 sets out the methods that the Council propose to use to involve the community and stakeholders. These cover a variety of recognised consultation techniques that will present information by means of a range of different media. The Council acknowledge the benefits and disadvantages of the various methods, differentiating between those relevant to LDF documents and those relevant to planning applications and indicating at what stages of LDD preparation the various methods would be appropriate.
- 6.2 Paragraph 2.23 explains how the Council will make their information accessible to all members of society. On account of the diversity of the Borough's population the SCI expresses the Council's concern to facilitate consultation with certain groups or individuals, and considers at Paragraph 2.26 how they might do this.

- (R5)** At the end of paragraph 2.27 add:

"The Council will make every endeavour to meet the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995".

- 6.3 Paragraphs 2.16 to 2.20 explain the range of methods the Council will employ to contact consultees. However, Paragraph 20 omits

mention of the availability of material in the foreign languages identified on page 43.

(R6) At paragraph 2.20 after 'documents' insert 'together with versions in the languages other than English listed on page 43'.

6.4 I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation. I consider that provided these procedures are followed the consultation proposed will be undertaken in a timely and accessible manner.

Conclusion

6.5 Subject to the above recommendation, this test is met.

Test 6

7.1 In Paragraphs 2.29 and 2.30 the SCI explains how, having regard to opportunities to work with partners in the community to extend staff resources and make use of community expertise, the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. In this context I am satisfied that the Council is aware of the resource demands set by the SCI.

Conclusion

7.2 This test is met.

Test 7

8.1 Paragraph 2.5 explains how the results of community involvement will be taken into account by the Council and used to inform decisions. Tables 1 and 2 relate that activity to each stage in plan making. The Council also propose to prepare reports at the end of each consultation period explaining how views have been considered and documents changed in light of the community involvement. The SCI states at Paragraphs 2.18 and 2.19 how these will be made publicly available.

8.2 Paragraphs 2.45 to 2.50 detail the Council's procedures for the production of Supplementary Planning Documents, including opportunities for and methods of consultation. These are comprehensively explained.

Conclusion

8.3 This test is met.

Test 8

- 9.1 Paragraph 2.43 explains that the SCI will be formally reviewed after a period of 3 years or sooner if experience in consulting on the LDF suggests earlier. The effectiveness of the SCI will be assessed through the Council's Annual Monitoring Report which will be the trigger for any necessary changes, which will be subject to public consultation, to be made in the SCI. I am satisfied that the procedure for reviewing the SCI is appropriate.

Conclusion

- 9.2 This test is met.

Test 9

- 10.1 Part 3 of the SCI shows that the Council's policy and procedures for consultation on planning applications meet the minimum statutory requirements. It also defines the outreach of consultation beyond the minimum, employing additional methods, and indicating how changes to proposals will be dealt with. This distinguishes in Appendix 4 between procedures appropriate to different types and scale of application, and includes information on how the consultation results will inform decisions. I note from Paragraphs 3.6 and 3.7 that the Council has published various informal documents on how to make representations about planning applications.
- 10.2 Paragraph 3.8 encourages pre-application discussions between developers and community interests and reporting of these to the Council alongside the submission of planning applications.
- 10.3 I note that, though the Council have made significant progress in displaying details of planning applications on their website, they are concerned to maintain continuous review of that method of publication to improve public access to such material. Restriction of access at public libraries caused by the volume of general demand to use IT equipment is not a matter for the SCI, however, and falls to be addressed by another Council service.
- 10.4 In general I am satisfied that the SCI provides adequately for community inputs into decisions on planning applications through its encouragement to participation from the early stages of gestation of a development proposal.
- (R6)** In Paragraphs 3.24 and 3.25 a consistent plural form of 'forum' should be used.
- 10.5 The SCI does not address the longer statutory time period for consultation that may be applicable in certain circumstances, and I recommend a change to acknowledge this.

- (R7)** Insert the following after paragraph 3.15 “Such bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.”

Conclusion

10.3 Subject to the above recommendations this test is met.

General Conclusions

- (R8)** To improve the usefulness of the SCI page numbers should added to the list of contents on page 2.

11.1 The Council have set out in their Regulation 31 Statement a number of proposed changes to the SCI in response to representations received on the submission document. These suggested amendments do not affect the substance of the SCI but they do improve the clarity and transparency of the submission SCI. I agree and therefore recommend that they be included. They have also submitted a schedule of typographical and minor changes and amendments which I support.

11.2 While I have attempted to identify as many consequential amendments as possible that may follow from my recommendations, it seems inevitable that issues of consistency may arise. In the event of any doubt, please note that I am content for such matters, plus any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.

11.3 Subject to the recommendations set out in this Report, the Council of the London Borough of Barnet SCI (June 2006) is sound.

Inspector

David Robins

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