

Cabinet Member Delegated Decision 20 August 2018

Report title: Addendum to the Lambeth Statement of Community Involvement 2015

Wards: All

Report Authorised by: Sue Foster, Strategic Director Neighbourhoods and Growth:

Portfolio: Councillor Matthew Bennett, Cabinet Member Planning and Investment

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Report summary

An addendum to the Statement of Community Involvement 2015 (SCI) is required to satisfy the requirements of section 6 of the Neighbourhood Planning Act 2017 which comes into force on 31 July 2018. It requires the Council to set out in its SCI how it will give advice or assistance on proposals for making of neighbourhood development orders and neighbourhood development plans, and in the modification of neighbourhood development plans.

The addendum sets out in detail the types of advice and assistance that officers are able to offer to neighbourhood forums at the various stages of the neighbourhood planning process. The addendum makes clear that responsibility for production of a draft neighbourhood development plan or order will remain with the group (the neighbourhood forum) that wishes to bring forward the plan or order.

An initial draft addendum (Appendix 2) was sent to designated neighbourhood forums and groups known to have expressed an interest in neighbourhood planning for their comment. Their views are noted in the report and have been taken into account in the preparation of the revised draft addendum at Appendix 3.

Finance summary

The cost in officer time associated with the preparation of the addendum to the SCI has been absorbed within existing budgets. There is no budget identified for extensive support to be provided to neighbourhood planning groups, beyond that envisaged in the proposed SCI addendum.

Recommendations

- (1) To agree the officer response to the comments received on the initial draft SCI addendum (Appendix 2) from designated neighbourhood forums and groups known to have expressed an interest in the borough, as set out in Appendix 1.
- (2) To agree to adopt the revised draft addendum to the Lambeth Statement of Community Involvement 2015 as set out at Appendix 3.

1. Context

- 1.1 Section 6 of the Neighbourhood Planning Act 2017 comes into force on 31st July 2018 as a result of Regulation 4(a) of the Neighbourhood Planning Act 2017 (Commencement No 3) Regulations. It requires the Council to set out in its Statement of Community Involvement (SCI) how it will give advice or assistance on proposals for making of neighbourhood development orders and neighbourhood development plans, and in the modification of neighbourhood development plans.
- 1.2 The purpose of an SCI is to set out the level and type of public consultation that the Council will undertake when considering planning applications and preparing different planning policy documents. The SCI is a statutory document required under the Planning and Compulsory Purchase Act 2004 and the most recent Lambeth SCI was adopted by Cabinet in September 2015.
- 1.3 The Localism Act 2011 allows for the preparation of neighbourhood plans. A neighbourhood plan is prepared by a neighbourhood forum and should set out policies on development and use of land in the defined neighbourhood area. If a neighbourhood plan passes through the various stages including examination and referendum, it becomes a part of the statutory development plan for the local planning authority area and must be taken into account when making decisions on planning applications in that neighbourhood.
- 1.4 Groups pursuing neighbourhood planning may embark on neighbourhood development plans or neighbourhood development orders. A neighbourhood development order is also prepared by neighbourhood forums. It can grant planning permission for specified developments in a neighbourhood area. Once established there would be no need for anyone to apply to the Council for planning permission if it is for the type of development covered by the order. In line with the Localism Act, neighbourhood development plans and orders are led by neighbourhood groups but needs to be supported by the Council. Government funding is available to neighbourhood forums who can spend it on support to develop neighbourhood plans and/or development orders from external organisations or agencies.
- 1.5 In Lambeth there are currently four designated neighbourhood forums (South Bank and Waterloo Neighbours, Kennington Oval Vauxhall Forum, Tulse Hill Forum, Norwood Planning Assembly) and five designated neighbourhood areas (relating to the four designated forums plus the Herne Hill neighbourhood area). There are also three potential neighbourhood forums/groups who have expressed an interest in neighbourhood planning at some point but have yet to make any formal applications (Upper Norwood, Loughborough Junction, Brixton).

2. Proposal and Reasons

- 2.1 It is proposed to address the requirements of section 6 of the Neighbourhood Planning Act 2017 by including an addendum to the existing Lambeth SCI. The proposed addendum sets out how the Council intends to provide advice or assistance on proposals for the different stages involved in making neighbourhood development orders and neighbourhood development plans, and in the modification of neighbourhood development plans.
- 2.2 The proposed addendum sets out how the Council will give advice or assistance at each stage of the neighbourhood plan making process. This includes:
- Designating a neighbourhood area
 - Designating neighbourhood forum

- Preparing a draft neighbourhood plan or Order
- Pre-submission publicity and consultation
- Submission of a neighbourhood plan or Order proposed to Lambeth Council
- Independent examination
- Referendum and bring neighbourhood plan / Order in force
- Modifying neighbourhood plans or Orders

2.3 The proposed addendum sets out that officers of the Council will aim to meet with prospective neighbourhood forums at an early stage to discuss the scope of any potential neighbourhood plan and explains the range of officer assistance that can be provided. This may include the following: clarification of aspects of legislation, guidance or process upon written request; the availability of Lambeth's Open Mapping portal; the availability of up-to-date planning policy evidence base; provision of comments on draft proposed neighbourhood plan; preparation of an initial Strategic Environment Assessment (SEA) screening report and Habitat Regulations Assessment (HRA) screening report on the pre-submission draft neighbourhood plan and consultation with the three statutory bodies; and undertaking an initial check of legal compliance prior to formal submission. The proposed addendum makes clear that officers cannot produce a neighbourhood plan or order, write policies, commission or endorse specific consultancy companies, undertake administrative tasks associated with plan preparation, or provide financial support or any other form of dedicated resource.

2.4 An initial draft of the proposed addendum (reproduced at Appendix 2) was sent for comment to designated neighbourhood forums in Lambeth and those groups in the borough that are known to have expressed an interest in neighbourhood planning. The comments received are set out in Appendix 1, with an officer response to the points made. In summary, two groups responded (South Bank and Waterloo Neighbours, and Kennington Oval Vauxhall Neighbourhood Forum). In response to these comments, the initial draft addendum has been amended in three places: paragraph A4.5 to revise the wording about guidance on strategic polices; and in paragraphs A7.3 and A9.2 to include references in both paragraphs to the right of neighbourhood planning forums to ask the Secretary of State to intervene should they disagree with certain Council decisions in response to an Examiner's report.

2.5 The revised draft addendum, taking account of these amendments, is at Appendix 3. The Cabinet Member is asked to agree to adopt this version as an addendum to the Lambeth SCI.

2.6 If the Cabinet Member agrees to adopt the revised draft addendum to the SCI, the addendum will be published on the Council's website, in local libraries and also sent to all designated and emerging neighbourhood forums in Lambeth as soon as possible after the decision is made.

3 Finance

3.1 The cost in officer time associated with the preparation of the addendum to the SCI has been absorbed within existing budgets. There is no budget identified for extensive support to be provided to neighbourhood planning groups, beyond that envisaged in the proposed SCI addendum.

4 Legal and Democracy

4.1 The Council is required to satisfy the requirements of section 6 of the Neighbourhood Planning Act 2017 by 31 July 2018 as a result of Regulation 4(a) of the Neighbourhood Planning Act 2017

(Commencement No 3) Regulations. The requirements of section 6 of the Neighbourhood Planning Act 2017 are noted in section 2 of the report.

- 4.2 This proposed key decision was entered in the Forward Plan on 8 June 2018 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by the Cabinet Member. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days - the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5 Consultation and co-production

- 5.1 There is no requirement in the legislation to undertake consultation on the approach to be taken to the giving of advice and assistance to designated or emerging neighbourhood forums. However, designated neighbourhood forums and groups known to have expressed an interest in neighbourhood planning in Lambeth were given an opportunity to comment on an initial draft addendum (the document at Appendix 2). The following groups were sent the addendum by email and were asked by officers for feedback: Kennington Association Planning Forum, Norwood Action Group/Norwood Planning Assembly, Southbank and Waterloo Neighbourhood Forum, Tulse Hill Forum, Herne Hill Forum, Loughborough Junction Action Group, The Brixton Society, and Crystal Palace and Upper Norwood Neighbourhood Forum. These groups were given four weeks to provide feedback (8 June to 6 July 2018).

- 5.2 Comments were received from two designated neighbourhood forums (South Bank and Waterloo Neighbours and the Kennington Oval Vauxhall Neighbourhood Forum). None of the groups who have expressed an interest in neighbourhood planning in Lambeth responded. Analysis of the comments is set out above in para 2.4. Appendix 1 sets out a table of the comments received and officers response to each comment.

6 Risk management

- 6.1 Although the requirement for the SCI to be amended to address how the Council will provide advice and assistance in relation to neighbourhood planning derives from legislation, there are no specific statutory requirements that must be adhered to in the process of preparation of the addendum.

7 Equalities impact assessment

- 7.1 An Equalities Impact Assessment (EqIA) has not been undertaken of the content of the addendum. An EqIA was prepared in relation to the main SCI when this was considered for adoption by Cabinet in 2015. The purpose of the addendum is limited to setting out the framework through which officers can provide advice and assistance to neighbourhood planning forums. That service would be available to any neighbourhood planning forum or emerging forum. In those circumstances, it is not considered necessary to prepare a further EqIA dealing specifically with the extra content of the addendum.
- 7.2 The addendum notes that an EqIA will generally be undertaken in relation to decisions relating to neighbourhood planning, for example on designation of a neighbourhood area or forum, or when a neighbourhood plan is ready to be put into place. The addendum encourages neighbourhood forums to provide as much information as possible about their view of the potential impacts of their proposals on different sections of the community, and explains that officers can provide advice to neighbourhood planning groups about how to go about collating and presenting this information.

8 Community safety

None for the purposes of this report.

9 Organisational implications

None.

10 Timetable for implementation

10.1 If approved the addendum will be put into effect immediately at the end of the call-in period.

Audit trail				
Consultation				
Name/Position	Lambeth directorate/ division or partner	Date Sent	Date Received	Comments in para:
Sue Foster	Strategic Director Neighbourhoods and Growth	11/07/18	16/07/18	
Sandra Roebuck	Director Planning Growth and Employment	05/07/18	11/07/18	
Rob Bristow	Assistant Director Planning, Transport and Development	05/07/18	10/07/18	
Susan Boucher	Legal Services	28/06/18	10/07/18	throughout
Maria Burton	Democratic Services	10/07/18	11/07/18	4
Andrew Ramsden	Corporate Resources	28/06/18	10/07/18	3.1
Cllr Matthew Bennett	Cabinet Member Planning and Investment	12/07/18	16/07/18	

Report history	
Original discussion with Cabinet Member	7 June 2018
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	8 June 2018
Key decision reasons	Community impact
Background information	Section 6 of the Neighbourhood Planning Act 2017 Regulation 4(a) of the Neighbourhood Planning Act 2017 (Commencement No 3) Regulations Localism Act 2011 Planning and Compulsory Purchase Act 2004 Lambeth Statement of Community Involvement 2015
Appendices	Appendix 1 - Table of comments received with officer response. Appendix 2 – Initial draft Addendum to Statement of Community Involvement 2015 Appendix 3 – Revised draft Addendum to Lambeth Statement of Community Involvement 2015

APPROVAL BY CABINET MEMBER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:

Signature _____ **Date** _____

Catherine Carpenter, Delivery Lead Planning Strategy and Policy, Neighbourhoods and Growth

I approve the above recommendations:

Signature _____ **Date** 20 August 2018

Councillor Matthew Bennett, Cabinet Member for Planning and Investment

Any declarations of interest (or exemptions granted): None

Any conflicts of interest: None

Any dispensations: None