

INSPECTOR'S REPORT
LONDON BOROUGH OF NEWHAM
STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: Anthony J Wharton BArch RIBA RIAS MRTPI

Date: 25th April 2006

London Borough of Newham Statement of Community Involvement (November 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of the London Borough of Newham's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks (LDF), 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.
- 1.2 A total of 11 representations were received, all of which have been considered. The Council proposed a number of amendments to the SCI in response to representations received, and these have been taken into account in the preparation of this report. Further information was requested from the Council in relation to Tests v and vi and this information is contained in Appendix B to this Report.

Test 1

- 2.1 During the preparation of their pre-submission SCI the Council combined the different consultation stages under Regulations 25 and 26. Consequently, they were asked to contact the Regulation 25 statutory bodies to ask them whether or not they felt they had been prejudiced by the Council's failure to carry out a separate consultation process. The Council have confirmed that no one wished to raise any objections to these procedural irregularities. I am satisfied with this response.
- 2.2 Despite making provision for a respondent to be notified of the Inspector's report and the adoption of the SCI on their 'Submitted version response form', having regard to "DPD matters" and "proposals matters", see Regulation 24 (4), the Council should have included a statement regarding notification requests in earlier documentation, including the advertisements.
- (R1)** The Council are to notify all those who made a representation on the submission SCI of the publication of the Inspectors Report and the subsequent adoption of the SCI.
- 2.3 Subject to the above recommendation this test is met

Test 2

- 3.1 Part 1, Section 4 and Appendix 4 recognises the links between the LDF, the SCI and the Community Strategy. The SCI explains in Appendix 4 the structure of the Local Strategic Partnership and the Community Liaison Forums, and how these existing groups will be utilised in the consultation on the DPDs. I am satisfied that the Council recognise the links between the strategies, the Local Development Documents (LDDs) and the associated consultation exercises.
- 3.2 This test is met.

Test 3

- 4.1 The Council has set out in Appendix 3 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E apart from the Highways Agency. It is stated at Paragraph 7.2 of the SCI that the Council will hold a database of consultees details, and that this will be updated when necessary.

(R2) Add the Highways Agency to Appendix 3.

(R3) Given the impending abolition of the Strategic Rail Authority, references to the Strategic Rail Authority as a consultee should be removed from Appendix 3 of the SCI. As a consequence of this abolition consultations should be carried out with Network Rail in place of the Strategic Rail Authority.

- 4.2 Subject to the above recommendations this test is met.

Test 4

- 5.1 Paragraph 7.2 explains that the Council will involve and inform people from the early stages of LDD preparation and this also describes the range of methods the Council will employ to do this. It explains that informal consultations will take place with the key stakeholders such as Parish Councils and local developers, at the issues and options stage of DPD production in accordance with Regulation 25. I am satisfied that the consultations proposed will be undertaken in a timely and accessible manner.

(R4) However, for reasons of clarity the Council should place the last three bullet points of stage 5 in Paragraph 7.2 into a discrete box (number 6) entitled "Consultation on alternate sites." As a result of this amendment stages 6 and 7 should be re-numbered as stages 7 and 8.

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

Test 5

- 6.1 Appendix 7 sets out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. The Council acknowledge the benefits and disadvantages of the different methods and indicate at what stages of LDD preparation the various methods might be employed. The Council clarify in Paragraph 7.2 the stages at which consultation will take place and who will be consulted at those stages. This makes reference to consultation with the “specific and general consultation bodies” as required by Regulation 25.
- 6.2 The Council were asked to provide a clear and unambiguous statement on how they will attempt to engage with the ‘hard to reach’ groups within Newham and I recommend that their reply be inserted into the SCI.

(R5) Insert the following as a new Party 2 Section 5 of the SCI:

5. The Newham Community

- 5.1 “Ensuring full and meaningful public consultation is necessary to meet the Newham Community Strategy aspiration to build an active and inclusive community, and is a key element in the preparation of planning documents within the Local Development Framework and in making decisions on planning applications.
- 5.2 It is recognised that Newham has a wide range of communities (see Appendix 2 for details) and the Council aspires to involve all of these communities, together with those who live, work or seek entertainment in the borough, in the process of determining how to safeguard, change and improve the borough.
- 5.3 The Council aims to ensure that all people within our community have the opportunity to be involved in the decisions that help shape the future of our borough. The Council wants to ensure that all interested parties are kept informed and have the opportunity to fully participate in the planning process. As such the Council will use the most appropriate techniques available to consult with members of the community and aspires to full accessibility to meetings, consultation events and public documents.
- 5.4 With regard to involving and engaging specific groups within the community, the table below details additional support the Council will provide:

Community	Relevant methods of involvement
People who do not speak English as their first language	<ul style="list-style-type: none"> • Translation panel on all documents • Documents in a variety of languages spoken and read in the borough provided by the Language Shop • Language interpreters at meetings available on request
Disabled persons	<ul style="list-style-type: none"> • All documents are available in large print, Braille and Easy Read formats • All meetings to be held in accessible premises with induction loop [where premises is not fully accessible attendees notified] • Sign language interpretation at meetings available on request
Youth	<ul style="list-style-type: none"> • Involvement of the Youth Council Forum
People with little prior knowledge of the planning system	<ul style="list-style-type: none"> • Produce documents in 'plain English', avoiding the use of jargon and technical terminology • Provide summaries of longer documents • Use of public meetings and counter advice for explanation of issues

It is also noted that bodies representing the interests of disabled persons, youth, elderly, racial, ethnic or national groups and religious groups are specifically listed for direct consultation throughout the Local Development Framework. Appendix 5 provides further details on methods of consultation aspiring to full accessibility.

- 5.5 There is a wealth of experience in engaging Newham's communities that exists within the London Borough of Newham across a variety of sectors that will be drawn on in achieving these goals.
- 5.6 The minimum requirement for public consultation on the Local Development Framework is set out in Appendix 3. However, it is recognised that to achieve the Council's aspirations of greater community involvement in Newham more than this is required. The following sections outline how we will attempt to involve the wider community in the planning process (refer to Appendix 4 for the Council's existing community liaison structure and Appendix 5 for methods of consultation aspiring to full accessibility)."
- 6.3 Appendix 5 of the SCI explains how the Council will make their information accessible to all members of society, and Appendix 1 sets out how they will meet requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.
- 6.4 Subject to the recommendation above this test is met.

Test 6.

7.1 The submitted SCI did not contain information on how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. The Council were asked to provide a new section providing information on this test.

(R6) Insert the following as a new Section 10:

10. Resource Implications

10.1 “The preparation of the Local Development Framework is being led by the Planning Policy and Research team within the Forward Planning and Transportation section.

10.2 The current team structure is:

Forward Planning & Transportation - Policy & Research Team

Group Leader

3.5 x Principal Planners

1 x Principal Research Officer

3 x Planners

2 x Trainee Planners

10.3 The specific staff allocation for the preparation of the Local Development Framework documents is outlined in Appendix 1 of the Local Development Scheme. All team members will participate in tasks relating to public consultation and discussions with other key stakeholders.

10.4 We will also utilise other staff resources from within Forward Planning and Transportation (including administration and graphics staff) in carrying out consultation exercises. Staff from other Council service areas will make specific contributions to the Local Development Framework process, including Regeneration, Projects, Development Control, Culture and Community, Communications and the Language Shop. The use of specialist consultancy services will be utilised where this is considered necessary and will add value to a particular consultation process.”

7.2 Subject to the above recommendation this test is met.

Test 7

- 8.1 Paragraphs 7.8 – 7.11 explains how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council also propose to prepare reports at the end of the consultation period explaining how views have been considered and documents changed in light of the community involvement. The SCI states in Paragraph 7.10 where these will be made publicly available.
- 8.2 This test is met.

Test 8

- 9.1 Section 9 of the SCI provides information on monitoring and review and confirms the Council's intent to review the SCI through the Annual Monitoring Report.
- 9.2 I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.
- 9.3 This test is met.

Test 9

- 10.1 The SCI at Section 8 clearly describes the Council's policy for consultation on planning applications. Paragraph 8.4 meets the minimum requirements for consultation.
- 10.2 Paragraphs 8.6 – 8.8 distinguishes between procedures appropriate to differing types and scales of application and also details the additional methods of consultation which may be appropriate in these circumstances.
- 10.3 Paragraph 8.5 includes information on how the results of consultation will inform decisions.
- 10.4 However, the SCI section on Planning Matters contains no reference to the issue of planning applications and SSSI's. In the case of SSSI's the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) provides for English Nature to have 28 days to respond to applications for development potentially affecting a SSSI."
- (R7)** Add to paragraph 8.5 the following:

"Notify consultees by letter giving them 21 days, or for English Nature 28 days in the case of a planning application potentially

affecting a SSSI or in a SSSI consultation area¹, in which to comment.”

Add the following as a footnote to Paragraph 8.5:

¹ “in accordance with Section 28 of the Wildlife and Countryside Act 1981 as amended by Section 75 and Schedule 9 of the Countryside and Rights of Way Act 2000.”

10.4 Subject to the recommendations above this test is met.

Conclusions

11.1 The Council have set out in their Submission Version Consultation Statement (January 2005) some 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 therefore recommend that they be included and I set out the recommendations below.

(R8) Amend Appendix 7 line 3 of ‘Development Briefs’ by replacing “developer” with “applicant”.

(R9) Amend Paragraph 8.2 to include the following sentence:

“The kinds of development within the London Thames Gateway Development Corporation (LTGDC) boundary that will be determined by the LTGDC are listed on the planning page of their website at www.ltgdc.org.uk/planning.”

(R10) Add a new paragraph after Paragraph 8.7 (Paragraph 8.8) to read:

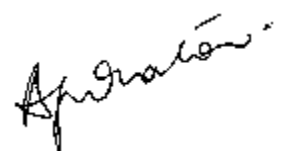
“Major planning applications within the LTGDC area will be determined by the LTGDC Planning Committee. Consultation on such applications will be in accordance with the protocol for consultation established between the LTGDC and London Borough of Newham. The LTGDC Planning Committee meetings are open to the public and it will be possible for parties with a specific interest in an application to address the committee. Details of the LTGDC Planning Committee can be found on the LTGDC website www.ltgdc.org.uk.”

(R11) The Council should remove all references to the “submission stage” of this document and replace them with “adopted version” and with the date of adoption.

(R12) Paragraph 6.1 is a summary of the production timetables for the Local Development Framework. As the timetables for these

documents may be subject to change the Council should add as a footnote to this table a statement which explains where the most up to date version of these timetables are available.

11.2 Subject to the implementation of the above recommendations the London Borough of Newham SCI (November 2005) is sound.

A handwritten signature in black ink, appearing to read 'A. Wharton', written in a cursive style.

Anthony J Wharton BArch RIBA RIAS MRTPI

Inspector

APPENDIX A TESTS OF SOUNDNESS

Examination of the soundness of the statement of community involvement

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;¹
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

From: Planning Policy Statement 12: Local Development Frameworks

¹ The Town and Country Planning (Local Development) (England) Regulations, 2004.

**APPENDIX B
CORRESPONDENCE**



The Planning Inspectorate

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Group Leader – Policy & Research
For Regeneration & Development
London Borough of Newham
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E6 2RP

Your Ref:

Our Ref: PINS//G5750/429/4

Date: 23rd March 2006

LONDON BOROUGH OF NEWHAM STATEMENT OF COMMUNITY INVOLVEMENT

Dear Mr.Savine,

As the appointed Inspector for your Authority's Statement of Community Involvement I am requesting comments from the Council on the following point in order to assist in assessing the soundness of the London Borough of Newham's Statement of Community Involvement.

Test v.

Whilst recognising that the Council is aware of the difficulties in involving and engaging 'hard to reach groups' in Newham the clarity of this position could be improved by the addition of a list of these groups and the additional support which the Council will make available to facilitate consultation.

Please provide additional text as a new paragraph (Paragraph 5.4) which details these groups and the additional support that the Council will provide.

Subsequent paragraphs in this section will need to be re-numbered.

Test vi.

Please provide a brief statement on the resources available to the Council to achieve the scale of consultation envisaged. This should be added as a new Section 10 in Part 2 of the SCI.

These answers are to assist in the production of a binding report. Once you have submitted your response to these questions, the report will be produced as quickly as possible. Please reply to Steve Carnaby whose details are given above. Thank you for your assistance in this matter.

Yours sincerely,

Keith Holland BA(Hons) Dip TP MRTPI ARICS

Regeneration and Development
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East Ham, London E6 2RP
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Fax No.: 020 8430 6676
E mail: nikki.lawrence@newham.gov.uk
Your Ref:
Our ref: RD/FPT/LDF/SCI

24 March 2006

Dear Stephen

London Borough of Newham Statement of Community Involvement - Test of Soundness

In response to Mr Keith Holland's letter dated 23 March 2006 regarding Test v and Test vi please find attached additional text to be inserted into our Statement of Community Involvement.

If you have any further queries please contact me at the above details. We look forward to receiving the Inspector's binding report in the near future.

Yours sincerely,

Nikki Lawrence
Planning Policy and Research

For REGENERATION & DEVELOPMENT

5. The Newham Community

- 5.7 Ensuring full and meaningful public consultation is necessary to meet the Newham Community Strategy aspiration to build an active and inclusive community, and is a key element in the preparation of planning documents within the Local Development Framework and in making decisions on planning applications.
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