



Sustainable Development Select Committee

Local Democracy Review update

Date: 13 March 2024

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Head of Development Management

Outline and recommendations

The purpose of this report is to provide the Sustainable Development Select Committee (SDSC) with an update on formal recognition of Amenity Societies in the planning process.

The Sustainable Development Select Committee is recommended to:

- Note the group submissions in response to calls for formal recognition in the planning process.

Timeline of engagement and decision-making

July 2022 – Community Forum Meeting where discussions began on a new working relationship with amenity societies and community groups to begin the period of engagement.

October 2022 – Community Forum Meeting continuing engagement with amenity societies including the responses received from the July questionnaire.

October 2022 – an update of the Local Democracy Review project to Sustainable Development Select Committee

1 February 2023 – M&C meeting for approval to start public consultation.

February 2023 – Community Forum Meeting continuing engagement with Amenity Societies, highlighting ongoing formal consultation of Statement of Community Involvement (SCI).

20-February – 3 April 2023 – formal public consultation undertaken. A total of 21 representations were received.

June 2023 – Sustainable Development Select Committee – an update on the representations received and ways forward for a revised SCI draft.

June 2023 – Community Forum Meeting continuing engaging with Amenity Societies.

July 2023 – Overview and Scrutiny Committee – discussion and recommendations for Good Developer Engagement Protocol

August 2023 – Invitation sent to all known community groups on the Councils mailing list with a call for submissions to be formally recognised as an Amenity Society. The invitations were sent on 9 August 2023 with representations to be received by 1 October 2023.

September 2023 – M&C meeting for adoption of the SCI. The SCI was adopted on the 23rd September 2023.

November 2023 – Community Forum Meeting continuing engaging with Amenity Societies and the proposals to formally designate them in the Development Management process.

Summary

- 1.1. The purpose of this report is to provide the Sustainable Development Select Committee with an update on the formal recognition of Amenity Societies in the Development Management planning process. This document follows a further round of public engagement with and formal call for groups to make submissions to the Council.

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Recommendations

- 1.2. It is recommended that Sustainable Development Select Committee:
- Note the group submissions in response to calls for formal recognition in the planning process.

Policy Context

- 1.3. The content of this report is consistent with the Councils policy framework.
- 1.4. The recognition of Amenity Societies within the Development Management planning process is not a formal Council decision nor adoption of a new planning policy.
- 1.5. The Council must (as a minimum) comply with statutory requirements for consultation set out in relevant legislation and policy including:
- The Town & Country Planning (Development Management Procedure) (England) Order 2015 – for planning applications
 - The Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) – for listed building consents
 - Planning and Compulsory Purchase Act 2004 (as amended)
 - The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended)
 - Localism Act 2011 (as amended)
 - The Neighbourhood Planning (General) Regulations 2012
 - Neighbourhood Planning Act 2017
 - Environmental Assessment of Plans and Programmes Regulations 2004
 - Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020
 - National Planning Policy Framework (NPPF) (2019) and National Planning Practice Guidance (NPPG).
- 1.6. Whilst the recognition of Amenity Societies does not require formal consultation, the Council has undertaken formal consultation with community groups during the SCI consultation in February 2023 and further call out for submissions in August 2023.

Background

- 1.7. Amenity Societies are groups in the borough that have an active role in conservation and heritage matters as part of the development management process. Lewisham has a number of longstanding groups and a recent increase in groups with conservation interests and wider planning and environmental matters.
- 1.8. As part of the Statement of Community Involvement and ongoing Local Democracy Review, the Planning Service proposed to formally recognise community groups in the planning process given the lack of clarity as to how groups operate.

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Relationship with the Constitution and Statement of Community Involvement

- 1.9. The Constitution is adopted by the Council and sets out how decisions are made. The Constitution states planning applications which receive an objection from a recognised Amenity Society will be reviewed for referral to Planning Committee by the Director of Planning in consultation with the Chairs (or Vice-Chairs) of both Planning committees in a Chairs Briefing (also known as Chairs Review). The Constitution requires that Amenity Societies must be constituted and meet the terms of the London Forum for Amenity and Civic Societies.
- 1.10. The Statement of Community Involvement (SCI) is a legal document for the Council which sets out how the Planning Service will engage on the preparation of planning policies (such as the Local Plan), support neighbourhood planning and consult on planning applications.
- 1.11. The changes to call-in powers for Amenity Societies have already been established by the Councils Constitution as described above and are not affected by the adoption of the new SCI.

Engagement to date with community groups

- 1.12. The Planning Service has undertaken an extensive period of public engagement for the formal recognition of Amenity Societies, starting in July 2022 at a Community Forum meeting. Officers briefed on outline proposals to formally recognise the value of our Community Groups and Amenity Societies in the planning process, but first sought to understand how groups in the borough operate. A questionnaire was sent to all groups asking for detail on their area of interest, membership and how they undertake their work and engage on responses to planning applications.
- 1.13. A total of 10 responses were received, and previous comments from the Sustainable Development Select Committee in October 2022 advised that further engagement should take place to consider how Amenity Societies are recognised in the planning process and that consultation should be open and transparent.
- 1.14. A formal 6-week public consultation took place alongside the SCI in February-April 2023, however there was a very low response with not a single completed return of the Amenity Society recognition proposals and an objection from the London Forum.
- 1.15. Officers advised that given the low level of engagement from groups and the comments from the London Forum that a further period of engagement take place to consider the exact working arrangements with Amenity Societies.
- 1.16. A further Community Forum meeting took place in June 2023 and an updated set of formal recognition proposals were sent on 9 August 2023, with groups asked to make submissions by 1 October 2023 (7 weeks). Extensions were granted to groups to make submissions until 15 October 2023.
- 1.17. The formal recognition criteria sent to groups are as follows:
 - Society name

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- Membership size
 - Date of formation
 - Copy of adopted constitution.
 - Description of the heritage conservation focus of the group or sub-committees' activities and details of works undertaken, including outreach to the community.
 - Conservation area of interest
 - Group contact email address
- 1.18. A blank model constitution was provided to groups, and explanatory notes were provided which confirmed that Amenity Societies can represent more than one conservation area, provided there is no existing established group operating and that groups should generally meet the terms of the London Forum of Amenity and Civic Societies, but there is no requirement to be formally registered.
- 1.19. The Constitution requires that Amenity Societies must be constituted.

Formal review of Amenity Society applications

- 1.20. The Planning Service received 16 applications for formal recognition as an Amenity Society.
- 1.21. The explanatory notes sent to all groups stated that Amenity Societies can represent more than one conservation area, provided there is no existing established group operating. The responses showed that a limited number of submissions covered overlapping areas (St Johns and Brookmill and Forest Hill and Sydenham) but that these boundaries were not easily identifiable given the historic nature of these conservation areas.
- 1.22. This matter was discussed at a Community Forum meeting in November 2023. Those groups in attendance raised no in-principle objection to overlapping designation given the complex historic nature of those conservation areas and their historic interest in planning matters.
- 1.23. Officers have given this issue detailed consideration, including a review of the ward boundaries, historic development of conservation areas and the neighbourhood setting.
- 1.24. Following the feedback from groups, it is considered that overlapping boundaries would create confusion between groups, planning applicants seeking to engage and the public. Therefore, Officers conclude that it is sensible and pragmatic to remove the Conservation Area criterion, noting that groups often have interests in planning matters outside of conservation areas.
- 1.25. The Planning Service already consults these groups of planning applications in their known areas of interest and will continue to do so, and will confirm with each Amenity Society their specific area of interest for consultation of planning applications.

Applications which meet the criteria

- 1.26. Applications from the following groups meet the criteria specified are now

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formally recognised as Amenity Societies:

Amenity Society name	Known conservation area(s)/ geographical area(s) of interest
Blackheath Society	Blackheath, St Stephens, Belmont
Brockley Society	Brockley
Brookmill Road Conservation Area Society	Brookmill Road
Culverley Green Residents Association	Culverley Green
Deptford Society	Deptford High Street and St Pauls Church, Creekside
Forest Hill Society	Forest Hill, Perry Vale, Christmas Estate, Sydenham Park, Halifax
Fourth Reserve Foundation	Land between New Cross to Forest Hill designated as a Site of Importance for Nature Conservation.
Hatcham Society	Hatcham
Lewisham Park Crescent Residents Association	Lewisham Park
Ringstead Road	Rushey Green and roads up to Mountsfield Park
St Johns Society	St Johns, Brookmill
Sydenham Society	Sydenham Hill, Sydenham Park, Halifax Street, Jews Walk, Cobbs Corner, Sydenham Thorpes
Telegraph Hill Society	Telegraph Hill

Applications which do not meet the criteria.

1.27. The following application for formal recognition did not meet the required criteria.

Bell Green neighbourhood forum

1.28. There is no current neighbourhood forum designation in the Bell Green Area, and this group has a draft constitution dated from 2022. For groups to be considered Amenity Societies, they should have adopted constitutions.

1.29. Should this group adopt a constitution in future, officers will review a proposal for Amenity Society designation at that stage.

1.30. They are already notified of planning applications in the Bell Green area and are actively involved in planning discussions with officers on several projects.

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- 1.31. This submission makes numerous references to neighbourhood forum areas, which separate to the designation as an Amenity Society.

Lewisham Pedestrians

- 1.32. This group has an interest in the preservation and enhancement of formal and informal public realm for safe use as pedestrians. This includes safe access to entrances to private, commercial and public buildings in the borough. The group also urge maximum pedestrian permeability of new developments. The group is currently not constituted, but has indicated future proposals to do so, and have requested an entire borough designation as an Amenity Society.
- 1.33. As this group is not constituted, they do not meet the formal recognition criteria and the criteria within the Constitution.

Users and Friends of Manor House Library

- 1.34. This group are constituted and states their objectives are to prevent closure of the Manor House library, and keep the Manor House as a library, process publicity to encourage maximum use as a library and pressure the Council by any legal means to enhance library facilities.
- 1.35. The application makes specific reference to interest in the Manor House building only and not the wider conservation area, or any planning and development matters.
- 1.36. Therefore, this is too limited in focus (on library services) to be considered an Amenity Society for built environment issues. The Planning Service note the group has links to the Lee Manor Society, but no such application has been made by that group to be considered as an Amenity Society.

Summary of groups not considered Amenity Societies

- 1.37. These groups, or any other, whilst not formally recognised as Amenity Societies in the planning process (that benefit from call-in rights to Chairs Briefing), are considered legitimate Community Groups whose views and engagement are important in the planning process.
- 1.38. They can be consulted in planning applications in their area of interest and are fully able to make representations on applications which will be formally considered by the planning case officer.
- 1.39. In the case of Lewisham Pedestrians, it is not realistic that this group would want to be consulted on every application made in the borough (on average around 4500 per year) and therefore the Planning Service will discuss the type and scope of applications they wish to review and comment on.

Conservation Areas with no Amenity Society applications

- 1.40. The following conservation areas received no applications for Amenity Society recognition:
- 1.41. Beckenham Place, Deptford Town Hall, Ladywell, Lee Manor, Mercia Grove, Stanstead Grove, Somerset Gardens, and St Marys
- 1.42. The Planning Service know of active groups in Ladywell and Lee Manor however, no responses were received to the call for recognition, including the reminders which were sent out. These groups will continue to be

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consulted on planning applications and be invited to the Community Forum Meetings but will not benefit from Chairs Briefing call-in powers.

Next steps

- 1.43. Groups which are now recognised as Amenity Societies will be listed on the Councils website and will benefit from a Chairs Review call-in power as set out in the Councils Constitution.
- 1.44. Groups are able to propose themselves as Amenity Societies at any time provided the criteria set out in the Constitution is met.

Financial implications

- 1.45. There are no financial implications.

Legal implications

- 1.46. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the council must, in the exercise of its function, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and persons who do not share it
- 1.47. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
 - 1.48. The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:

<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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Equalities implications

- 1.49. The Council's Comprehensive Equality Scheme for 2020-2024 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 1.50. Regardless of whether groups are formally recognised as Amenity Societies or not, the Planning Service can consult them on planning applications in their area of interest and anyone has the ability to self-register on the Council's website to be automatically notified of planning applications.
- 1.51. All comments that are received are formally registered and acknowledged and given full consideration when determining a planning application and summarised in reports. Should a planning application be referred to Planning Committee, anyone who has made representations is invited to attend and has the ability to register to speak.
- 1.52. All groups are invited to participate and engage with the Planning Service via the Community Forum.

Climate change and environmental implications

- 1.53. There are no climate change and environmental implications.

Crime and disorder implications

- 1.54. There are no crime and disorder implications.

Health and wellbeing implications

- 1.55. There are no health and wellbeing implications.

Background papers

- 1.56. Lewisham Statement of Community Involvement 2023
<https://lewisham.gov.uk/myservices/planning/policy/ldf/statement-of-community-involvement>
- 14.2 Sustainable development Select Committee October 2022
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=7915&Ver=4> (item 4)
- 14.3 Sustainable Development Select Committee June 2023
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=136&MId=8122&Ver=4> (item 4)
- 14.4 Mayor and Cabinet 20 September 2023
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=139&MId=8055&Ver=4> (item 10)
- 14.4 Glossary

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Term	Definition
Statement of Community Involvement	The SCI forms part of the Local Development Framework and is a legal planning requirement. It sets out the Council's policy for involving and communicating with interested parties in matters relating to the preparation and revision of local development framework documents and the exercise of the authority's functions in relation to planning applications.
Amenity Society	A group set up with a specific interest in built environment conservation and heritage.
Community Group	A group set up with a specific interest to represent a community with a defined area of interest to promote benefit residents.
Residents Association	A group set up who live in a particular area, could be a street, collection of local streets or a single development site who have a specific interest in their local area.

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