



## Mayor and Cabinet

### **Proposed changes to the Statement of Community Involvement**

**Date:** 16<sup>th</sup> September 2020

**Key decision:** Yes

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Christopher Dale

## Outline and recommendations

*The current unprecedented public health emergency means there has been a need to review and adapt existing processes in relation to Local Meetings and Planning Committee Meetings which are set out in the Council's Statement of Community Involvement (SCI). Changes agreed in June have enabled the Council to continue to fulfil its statutory duty to determine the full range of planning applications, including applications relating to critical major regeneration or housing schemes. These changes were introduced for a period of 3 months after which time they would be reviewed. There is a continued need to operate virtual meetings and this position is likely to continue for some time.*

*Similarly, the public health emergency means that there is a need to review and adapt existing processes in relation to the preparation of planning policy documents which are set out in the SCI. This includes Local Development Documents that form part of the Council's statutory development plan. Furthermore, a review and update of existing processes is required to ensure the SCI appropriately reflects the latest legislation, national planning policy and guidance, having regard to changes introduced since the 2006 SCI was adopted.*

*It is therefore recommended that:*

- *The Mayor and Cabinet authorise temporary modifications to Section 6 of the Council's Statement of Community Involvement (SCI) for a further 6 month period.*
- *The Mayor and Cabinet agree that the above changes will be reviewed again at the end of that 6 month period.*
- *The Mayor and Cabinet note the contents of the draft Addendum to the SCI (Appendix 1) and the reasons for the proposed amendments.*
- *The Mayor and Cabinet approve the draft Addendum to the SCI (Appendix 1) for non-statutory public consultation.*

## Timeline of engagement and decision-making

The Current Statement of Community Involvement was adopted in July 2006.

June 2020 – temporary modifications to the SCI agreed for a period of 3 months

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## 1. Summary

- 1.1. In response to the Covid-19 pandemic, emergency temporary modifications to the Council's Statement of Community Involvement (SCI) were agreed by Mayor and Cabinet on 10<sup>th</sup> June 2020 in order to enable the determination of planning applications. The temporary changes which were introduced are (unless schemes are to be refused):
  - Threshold for applications being required to go to Planning Committee for decision to be raised from 3 to 5
  - Any application with an amenity society objection to be subject to case review with Chair to determine whether it is referred to planning committee for a decision
  - Any application with 5-9 objections to be subject to case review with Chair to determine whether it is referred to planning committee for a decision
  - Invitations to planning committee meetings and other communications and information (including publication of agendas) relating to planning committee meetings be carried out electronically wherever possible
  - Make it explicit that people wishing to speak at planning committee meetings will need to register to speak in advance of the meeting and will need to submit written copies of their speeches in advance of the meeting
  - A new online format for Local Meetings to be developed and implemented
  - Make any necessary amendments regarding the publication of agendas and decisions
- 1.2. It was agreed that the above changes to working practices would be reviewed by the Mayor and Cabinet after a 3 month period following introduction.
- 1.3. The temporary changes to the Council's Statement of Community Involvement were accompanied by parallel changes to the scheme of delegation which were agreed at Strategic Planning Committee. These were reviewed on 3<sup>rd</sup> September and a 6 month extension was agreed.
- 1.4. The changes were originally agreed to enable the Council to deal with the growing backlog of planning applications requiring referral to planning committee that had not been able to be determined due to the cancellation of committees following 'lockdown'.
- 1.5. The changes to the SCI (and scheme of delegation) have been in operation since 24<sup>th</sup> June. During this time, those schemes with 3 or 4 objections (16 cases at the time of writing this report) have been decided under delegated powers Chair's review meetings have been held regularly to review those cases with between 5 and 9 objections or an objection from an amenity society and the Council has held meetings of committees A, B and C and Strategic Planning Committee. Committees have generally considered 2-3 cases per meeting and have required additional staff resource. The meetings have also largely taken in excess of 3 hours.
- 1.6. The Planning Service has reduced the backlog of committee planning decisions as a result of these measures, with committees currently programmed until October.. The intake of new planning cases has been low during the height of the covid-19 pandemic which has assisted with caseloads, with numbers of cases now recovering week by week.
- 1.7. Whilst the pipeline of committee cases is currently at a manageable level, this is due to the measures that are currently in place. The Council is not currently in a position to resume in person committee meetings and although work is taking place to review options for hybrid meetings, this is considered unlikely to remove the additional workload for a virtual committee meeting.

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- 1.8. The Council still has a statutory duty to determine planning applications submitted to it and it remains important that during these exceptional times the Council is able to continue to determine the full range of planning applications in order to fulfil its statutory duty and to ensure that major regeneration schemes and proposals involving the delivery of much needed affordable housing are not held up.
- 1.9. Given this, it is proposed that the temporary additional changes are continued for a further 6 month period, at which point they will again be reviewed.
- 1.10. Amenity societies have been informed of the proposed extension to the temporary changes and been given an opportunity to make representations prior to this meeting. A notice has also been published on the Council's website. Any comments received will be reported verbally to Mayor and Cabinet when this report is considered.

#### Preparation of statutory development plan and supporting documents

- 1.11. Since the SCI was adopted in 2006 there have been significant changes to the planning system. These changes establish new legal requirements and processes for producing the statutory development plan and associated guidance documents, including legal requirements for public consultation. There have also been significant changes in consultation methods and best practice. The 2006 SCI makes no allowance for the use of online consultation platforms, use of social media or other online tools. Following a review of the extant SCI, it is evident that updates are required to reflect relevant changes in the planning framework, also recognising opportunities and experiences with new methods of public engagement, such as the greater use of electronic forms of communication and social media. This is particularly important in the context of COVID-19 and the latest Government guidance on social distancing and plan-making.
- 1.12. Lewisham's new Local Plan will replace the Council's existing suite of development plan documents. It must be prepared in accordance with an adopted and up-to-date SCI. This will be tested at the plan's independent examination, having regard to the statutory tests of 'legal compliance' and 'soundness'. Where it is judged by a Planning Inspector that these tests have not been satisfied, the local plan will be found 'unsound' and the Council will not be able to adopt it. The plan is currently progressing through the committee cycle, with statutory rounds of public consultation programmed to commence in early 2021.
- 1.13. The elements of the SCI dealing with preparation of local planning documents must be updated, particularly to ensure progress on the Local Plan is not unduly delayed. An Addendum to the SCI is therefore proposed to ensure the document appropriately reflects the current legislative and policy context. Also, changes are needed to provide the Council with greater flexibility in the programming of consultation on planning documents, providing for the use of modern communication tools and new engagement techniques. This will better enable the Council to ensure consultation is effective and proportionate in scope, depending on the nature of the document and the communities likely to be affected by the proposals, and in adherence with the latest Government guidance on COVID-19.

## 2. Recommendations

- 2.1. It is recommended that Mayor and Cabinet:
- 2.2. Authorise temporary modifications to the Council's Statement of Community Involvement (SCI) for a further 6 month period to enable the following:
  - Threshold for applications being required to go to Planning Committee for decision to be raised from 3 to 5

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- Any application with an amenity society objection to be subject to case review with Chair to determine whether it is referred to planning committee for a decision
- Any application with 5-9 objections to be subject to case review with Chair to determine whether it is referred to planning committee for a decision
- Invitations to planning committee meetings and other communications and information (including publication of agendas) relating to planning committee meetings be carried out electronically wherever possible
- Make it explicit that people wishing to speak at planning committee meetings will need to register to speak in advance of the meeting and will need to submit written copies of their speeches in advance of the meeting
- A new online format for Local Meetings to be developed and implemented
- Make any necessary amendments regarding the publication of agendas and decisions

2.3. Agree to review changes again at the end of the 6 month period referred to.

2.4. Note the contents of the draft Addendum to the SCI (Appendix 1), and the reasons for these amendments, as set out in Section 4 below.

2.5. Approve the draft Addendum to the SCI (Appendix 1) for non-statutory public consultation.

### 3. Policy Context

3.1. The content of this report is consistent with the Council's policy framework. The SCI is a legal planning document that sets out how the Council will consult the public and other stakeholders when preparing statutory development plan and supporting documents, and how it will consult on planning applications. The SCI also sets out how the Council will fulfil its statutory duty to support neighbourhood planning. 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).

### 4. Background

4.1. The Council adopted its current Statement of Community Involvement (SCI) in July 2006. 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

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relation to planning applications. In particular, it sets out the circumstances in which decisions on planning applications will be made by planning committee (rather than officers) in line with the Council's Constitution. It also outlines the processes through which interested parties will be notified of the committee meeting and sets out how they can make verbal representations at the meeting. The SCI also makes provision for additional community engagement by way of a Local Meeting where 10 or more objections have been received to a planning application.

- 4.2. Recommendations to the Local Democracy Working Group made in February 2020 included a recommendation that a new Statement of Community Involvement is adopted and a review of committee referral triggers are also implemented.
- 4.3. Previously, Council meetings only happened "in person". The Government has passed new legislation to enable Councils to meet remotely.
- 4.4. The current COVID-19 pandemic has meant that in the interests of public safety and given the need to ensure social distancing, it is not reasonably practicable to hold in-person meetings in public. This position is still likely to persist for some time even if hybrid meeting formats are explored. The Council is under a statutory duty to determine planning applications submitted to it. It is vitally important that the Council is able to continue to determine the full range of planning applications in order to fulfil its statutory duty and to ensure that major regeneration schemes and proposals involving the delivery of much needed affordable housing are not held up. The ability of the Council to process critical major housing or regeneration planning decisions is one of the indicators which there is currently a requirement to report on weekly.
- 4.5. Most decisions on planning applications are delegated to officers. However the original 2006 SCI states that, unless senior planning officers intend to refuse planning permission under delegation, a decision on a planning application will be made by a Council Planning Committee in the following circumstances:
  - where there are three or more individual and separate written valid planning objections received from different residents
  - where there is one or more objection(s) from a recognised residents' association or community/amenity group
  - where the application is for development which is not in accordance with the approved development plan policies or other approved planning policies
  - where, in the opinion of the Council's Director of Planning, the matter would be more appropriately dealt with by the relevant committee.

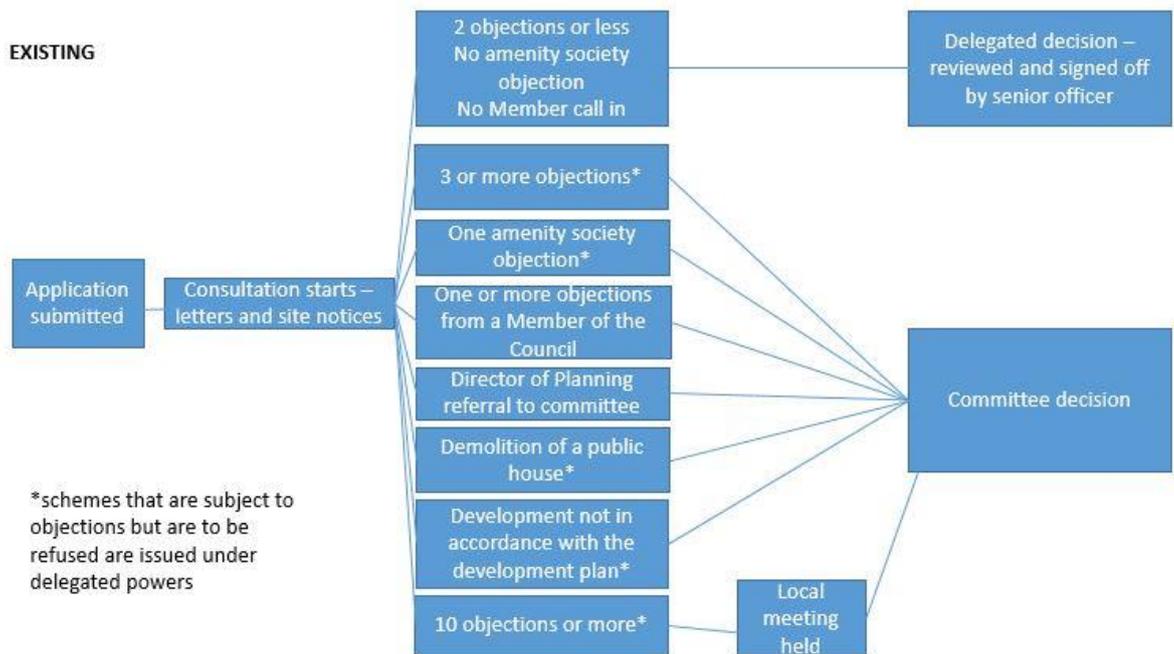
These thresholds for referring applications to a planning committee for determination are in line with the Council Scheme of Delegation set out in the Constitution. Diagram 1 illustrates the process as set out in the Constitution.

#### **Diagram 1 Processes as set out in the SCI**

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4.6. The SCI sets out that the following will occur when a planning application is to be decided by a Council Planning Committee:

- The agenda will be available in all libraries, at the Planning Information Office and on the Lewisham website five days prior to the meeting. A specific Committee report can be sent out on request.
- All those who have made a written representation (not statutory authorities) will be invited (by letter) to the meeting.
- The applicant for planning permission (or a representative) will be permitted to speak to the Planning Committee for five minutes.
- A representative of those who have made written representations will be permitted to speak to the Planning Committee for five minutes. A full list of those who have made written representations will be made available on request so that they can get together to coordinate a single presentation to the Committee.

4.7. The 2006 SCI also states that a local meeting will be offered to those that have made representations and the applicant at least two weeks prior to a decision being made on a planning application in the following circumstances:

- where one or more objection(s) have been received from a residents' association, community/amenity group or ward Councillor and/or
  - where a petition is received containing more than 25 signatures and/or
  - where 10 or more individual written objections are received from different residents.
- (See Diagram 1)

Preparation of statutory development plan and supporting documents

4.8. Since the SCI was adopted in 2006 there have been significant changes to the planning system. These include but are not limited to: changes introduced by the Localism Act 2011; the Neighbourhood Planning Regulations 2012; the Local Planning Regulations 2012; the introduction the new National Planning Policy Framework (NPPF) in 2012, with subsequent updates in 2018 and 2019

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respectively. Collectively these changes establish new legal requirements and processes for producing statutory development plan and associated guidance documents. This includes new powers for community groups, formally designated as neighbourhood forums, to prepare neighbourhood development plans, a process which the Council has a statutory duty to support.

- 4.9. Alongside these changes to the legislative and policy framework for plan preparation, significant improvements have been made to the Council's Information Technology (IT) infrastructure and systems. This includes upgrades to the Council's website and electronic facilities for communications, including for electronic correspondence (emails and comments via the council website) and internet based platforms for public consultation.
- 4.10. More recently, planning guidance published on 13 May by the Ministry of Housing, Communities and Local Government (MHCLG) makes clear that local planning authorities will need to assess their SCI to identify which policies are inconsistent with the Government's latest social distancing guidelines. This could include, for example, holding face-to-face community consultation events or providing physical documents for inspection. The guidance also provides that authorities should introduce temporary amendments that are necessary to allow plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable. The use of modern technologies, including internet platforms, is strongly encouraged whilst recognising that steps will need to be taken to ensure those without internet access have opportunities to engage in the planning process.
- 4.11. In addition, the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 have been introduced in response to COVID-19. These regulations make temporary changes to how documents are required to be made available to the public during the plan preparation and consultation process. Specifically, they temporarily remove the requirement for the Council to: make documents available for public inspection at its principal office and at other places it considers appropriate; and provide hard copies of specified documents. These temporary changes apply until 31 December 2020. However, given the uncertainty regarding COVID-19, the Council will need to monitor whether any changes or an extension to these temporary measures are made, in order to ensure compliance with the relevant statutory requirements for public consultation.
- 4.12. In light of the above noted changes to the legislative and policy framework for preparing local planning documents, substantial improvements to the Council's IT infrastructure and systems, and new Government guidance associated with COVID-19, it is considered necessary to revise the adopted SCI to both respond to and appropriately reflect these changes.
- 4.13. As previously noted, recommendations to the Local Democracy Working Group made in February 2020 included a recommendation that a new Statement of Community Involvement is adopted. Whilst recognising the importance of a comprehensive review of an update to the SCI to capture consultation activities and approaches across the Planning Service, officers are proposing that an Addendum to the SCI is prepared and adopted in the interim. This is necessary to ensure that the elements of the SCI dealing with the preparation of planning policy and guidance documents align with the latest legislative and policy framework.
- 4.14. The Addendum will address changes which are urgently required to ensure there is no undue delay to the preparation of Lewisham's new Local Plan, which is one of the

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Council's most important strategic documents. The Local Plan is the main statutory development plan document prepared by the Council, in consultation with communities and key stakeholders, and will play a key role in supporting the Corporate Strategy 2018-2022. The draft 'Local Plan: Main Issues and Preferred Approaches' document is currently in the committee cycle. It was endorsed by Mayor and Cabinet on 11 March 2020 to proceed to Council, which is due to consider the plan and supporting documents on 28 October 2020. Subject to the approval of Council, it is proposed to commence a statutory public consultation (Regulation 18 stage) on the Local Plan proposals in early 2021. In the absence of necessary updates to the SCI in advance of the public consultation, there is a significant risk that the Council will fail to meet the tests of 'legal compliance' and 'soundness', which are assessed by a Planning Inspector at the plan's independent public examination.

4.15. The Addendum to the SCI will provide flexibility for the Council to consider and employ consultation methods that are consistent with the Government's latest guidelines on social distancing, particularly through the use of online platforms. It will also ensure the Council is in a position to continue to progress with the preparation of development plan and policy guidance documents, in accordance with the relevant statutory requirements, without undue delay. Crucially, the Addendum will allow the Council to continue to promote effective community engagement by means which are reasonably practicable during the public health emergency, any future recovery period and beyond. This is particularly critical given the current stage of preparation of the new Local Plan and associated programme of public consultation.

4.16. A summary of the key changes to the SCI proposed by the Addendum are as follows:

SCI 2006 reference	Key changes proposed	Reason
Section 2 (Stakeholders)	Factual updates.	To reflect the latest legislation regarding different types of consultee groups and their constituent bodies or persons.  To reflect the new statutory Duty to Cooperate with prescribed bodies on cross-boundary matters during the plan-making process.
Section 3 (Consultation tools)	Updates the range of consultation tools (methods) available to Council officers to employ for public consultations.	To meet the latest statutory requirements for public consultation.  Factual updates to reflect tools which are no longer used or available (e.g. Lewisham Planning Newsletter).  To ensure Council officers can continue to facilitate effective public consultation using a variety of methods, recognising improvements and increasing use of

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		<p>Council's webpage and other digital/online platforms.</p> <p>In the interests of public health and safety; to ensure sufficient flexibility to respond to the latest legislation and social distancing guidance with respect to COVID-19.</p>
Section 4 (Important information)	Factual updates.	To provide correct information about document access, and contact details for internal and external bodies.
Section 5 (Local Development Framework)	<p>Factual updates</p> <p>Sets out the Council's minimum commitments for public consultation during the preparation of planning policy and guidance documents. A less prescriptive and more flexible approach than set out in the extant SCI.</p>	<p>To reflect the latest legislation and policy regarding the preparation of planning policy and guidance documents.</p> <p>To set out details of how the Council will fulfil its statutory duty to support neighbourhood planning.</p> <p>To ensure Council officers can continue to facilitate effective public consultation. This includes flexibility to tailor public consultations taking into account the scope and nature of the planning document.</p> <p>In the interests of public health and safety; to ensure sufficient flexibility to respond to the latest legislation and social distancing guidance with respect to COVID-19.</p>
Section 7 (Resources and monitoring)	Factual updates.	<p>To reflect the legislative requirements in respect of SCI reviews.</p> <p>To clarify Council commitments in respect of monitoring the SCI.</p>
Appendix 1 (Background to the planning system.	Deleted.	To avoid unnecessary duplication of updated information presented elsewhere in the Addendum
Appendix 2 (Sustainability / sustainability appraisal)	Factual updates.	To reflect the latest legislation on sustainability

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		appraisal, including that it is no longer required for Supplementary Planning Documents.  Updates references to latest standing guidance (i.e. NPPG).
Appendix 3 (Tests of Soundness for a Development Plan document)	Factual updates.	To reflect the revised Tests of Soundness set out in the NPPF (2019).  To provide a new informative on the 'basic conditions' that neighbourhood plans are required to meet.
Further information and contacts	Factual updates.	To update details regarding Council planning webpages and contact information (email, telephone, post)

Non-statutory consultation on the draft Addendum to the SCI (Appendix 1)

- 4.17. Whilst there is no statutory requirement to undertake consultation on the SCI we acknowledge that there may be a legitimate expectation that the Council will undertake consultation for permanent changes.
- 4.18. As such we are recommending a minimum 6 week non-statutory consultation period on the draft Addendum (appendix 1). Officers consider that this 6 week period is sufficient to provide residents, community groups and other key stakeholders the opportunity to comment on the factual and legislative changes within the Addendum whilst avoiding any undue delay to the statutory public consultation (Regulation 18 stage) on the Local Plan proposals in early 2021.
- 4.19. After the minimum 6 week consultation period, all representations received will be taken into consideration and any necessary changes incorporated into a final Addendum to the SCI. The final Addendum together with a comprehensive consultation statement will then be reported for approval by Mayor and Cabinet.

## 5. Temporary changes to the SCI relating to development Management

- 5.1. By June 2020 a backlog of around 40 planning applications requiring determination by committee had built up. The Government has brought in legislation to enable decision making to take place through virtual committee meetings and the Council has put in place measures to hold virtual planning committee meetings and has been holding these since June.
- 5.2. Taking planning applications to a planning committee for a decision is resource intensive. Officers have found virtual planning committees to be particularly resource intensive, requiring additional officers to be present and fully briefed on every scheme taken as back up, should technical difficulties be encountered. The meetings have taken longer than in person committees with additional preparatory work also required to ensure the public are able to fully participate by holding 'test runs' to support the public who wish to speak.

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- 5.3. Planning guidance published on 13 May by the Ministry of Housing, Communities and Local Government (MHCLG) includes guidance on virtual planning committees and notes that “To ensure planning decisions continue to be made, local planning authorities should take advantage of .... powers to hold virtual planning committees – rather than deferring committee dates. They should also consider using ‘urgency powers’ within their constitutions to give senior officers delegated authority to make decisions.”
- 5.4. Lewisham has temporarily increased the threshold for referral of applications to planning committee from 3 to 5 objections. However an added safeguard was introduced in the form of a case review with the committee chair when there has been an amenity society objection to agree whether a case should still be referred to Committee. Applications which are recommended for refusal by officers would continue to be determined under delegated authority unless called in by a Councillor.
- 5.5. Cases which have a threshold of between 5 and 9 objections are subject to a case review with the committee chair.
- 5.6. At the time of writing this report, 26 case reviews had been undertaken on a range of schemes with between 5 and 9 objections or an amenity society objection. The Chair’s Review meetings do not take a decision on if the planning application itself should be approved or refused, only who will be the decision maker for the application, based on a short presentation of the scheme and an overview of the material planning considerations/key issues. So far, 20 cases have been delegated to officers with 6 cases sent on for a decision by committee. There are an additional 7 cases in the chairs review pipeline at present which, without the temporary delegations, would otherwise automatically require a decision by planning committee.
- 5.7. For those cases with 3 or 4 objections, 16 have been decided under delegated powers at the time of writing this report. Of those 16, 9 have been approved and 7 refused.
- 5.8. In order to ensure virtual committee meetings are conducted in an orderly fashion it has been necessary to introduce a new requirement for public speakers (including applicants and/or their agents) to register their intention to speak 24 hours in advance of the meeting so that the IT department can arrange for them to be invited to the meeting. Public speakers are also now required to submit their intended verbal statements in advance of the meeting as a precaution to ensure that their views can still be taken into account by the Planning Committee in the event that their verbal presentation is cut short due to technical difficulties. Both measures have been operating well and people have been taking part in virtual committees. Following early issues with attendees being able to operate their own technology successfully, additional support for members of the public in the form of a pre-committee test have also been introduced.
- 5.9. The SCI makes provision for Local Meetings where 10 or more objections have been received to a planning application. These meetings are an opportunity for the community to find out more about proposals which may affect them and to ask officers and applicants questions about the planning application. As it is no longer possible to hold public meetings a new electronic format for Local Meetings has been taking place to fulfil the same important role of community engagement. To date, this has relied on external IT support rather than a Council system, however progress is being made with an in house solution. Two local meetings have taken place since June and have enabled public participation through an online meeting.
- 5.10. To avoid delays to postal deliveries, wherever possible, notification of Local Meetings (in their revised electronic format) and Planning Committee Meetings have been made by email. Where an individual’s or group’s email address has not been given, the Council has continued to communicate with them via post. This has been operating successfully.

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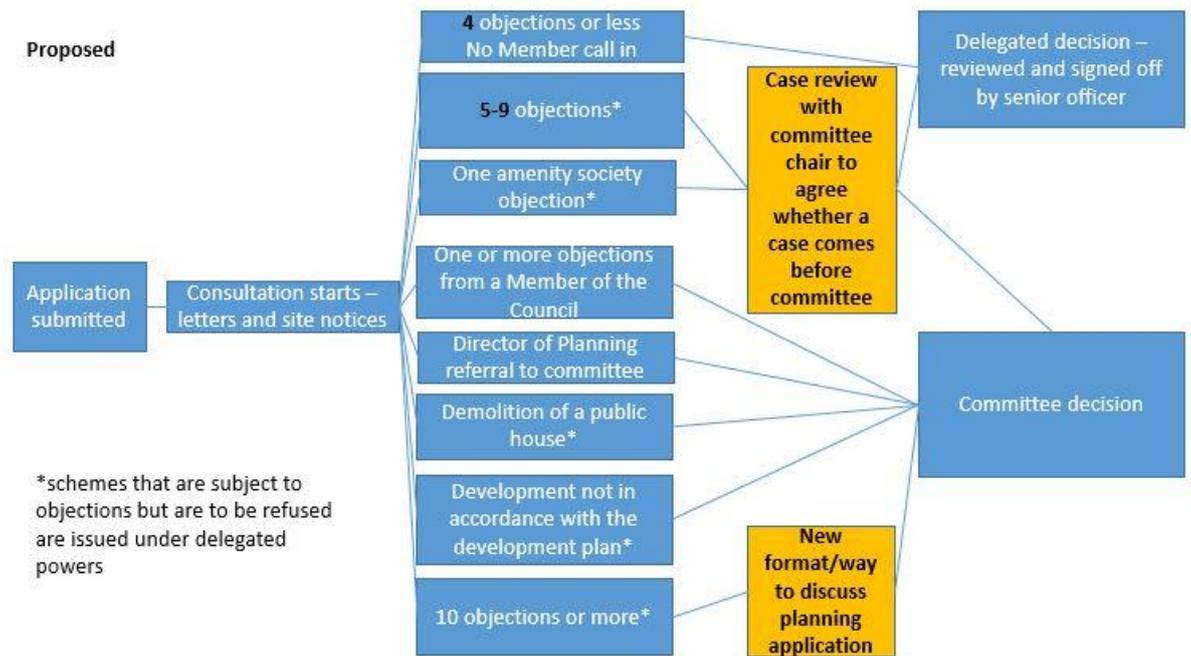
- 5.11. At this time, some libraries remain closed, as does the Planning Information office. The SCI notes that these locations are available to view planning applications, committee agendas and decisions. As these locations are not currently available, it is proposed to update the SCI to make it clear how the public can access this information such as via the Council website.
- 5.12. Officers consider that the temporary working arrangements and delegations are operating successfully. Good quality decisions are being made under delegated powers on the most straightforward cases, with the cases being considered by planning committee being more complex or nuanced. The temporary measures have enabled the Planning Service to continue to issue decisions, engage with the public and reduce the committee backlog that had grown at the beginning of lockdown. Given the additional resourcing virtual meetings require and the length of time they are taking plus the increase in cases being received, the temporary measures are considered necessary to continue for a further period of 6 months. This would enable the Planning Service to continue to operate efficiently and the measures have not been found to give rise to concerns regarding the proper consideration of planning issues.
- 5.13. In summary, it is recommended that Mayor and Cabinet:
- 5.14. Authorise temporary modifications to the Council's Statement of Community Involvement (SCI) for a further 6 month period to enable the following:
- Threshold for applications being required to go to Planning Committee for decision to be raised from 3 to 5
  - Any application with an amenity society objection to be subject to case review with Chair to determine whether it is referred to planning committee for a decision
  - Any application with 5-9 objections to be subject to case review with Chair to determine whether it is referred to planning committee for a decision
  - Invitations to planning committee meetings and other communications and information (including publication of agendas) relating to planning committee meetings be carried out electronically wherever possible
  - Make it explicit that people wishing to speak at planning committee meetings will need to register to speak in advance of the meeting and will need to submit written copies of their speeches in advance of the meeting
  - A new online format for Local Meetings to be developed and implemented
  - Make any necessary amendments regarding the publication of agendas and decisions
- 5.15. Agree to review changes again at the end of the 6 month period referred to.
- 5.16. Note the contents of the draft Addendum to the SCI (Appendix 1), and the reasons for these amendments, as set out in Section 4 above.
- 5.17. Approve the draft Addendum to the SCI (Appendix 1) for non-statutory public consultation.

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**Diagram 2 – Processes following amendments to SCI**



## 6. Financial implications

6.1. There are no significant financial implications. As public meetings would be hosted online rather than physically there may be a small saving on venue hire expenditure.

## 7. Legal implications

7.1. 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.

7.2. 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

7.3. 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.

7.4. 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

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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>

- 7.5. The legal implications of amending the SCI to be effective immediately were taken into account when these temporary measures were first introduced. It is lawful to take decisions on the basis of the new SCI if approved by Mayor and Cabinet. It is recognised that residents or others may have made representations on the current applications in the backlog on the basis of the framework in the original SCI. It is recognised that residents or others may be anticipating that the temporary measures would end. For example, this may have impacted how many people choose to write in to the Council. The legitimate expectation that decisions will be taken in accordance with the published SCI and its procedures is important. However, public authorities also have in principle a right to alter their policies or to depart from them in a particular case. For the reasons set out in this report, it is considered necessary to further extend the temporary measures. Amenity societies have been informed of the proposed changes and been given an opportunity to make representations prior to this meeting. A notice has also been published on the Council's website. Any comments received will be reported verbally to Mayor and Cabinet when this report is considered. The circumstances of the continuing public health emergency are pressing and unique and justify extending the changes to the policy in the proportionate manner proposed, for a further temporary period of six months, with a review proposed. Further, case-by-case judgment is always applied in a planning decision and officers may recommend taking a particular application to committee if they consider it appropriate, including on the basis of a change in the SCI between consultation stage and officer report stage.
- 7.6. The position regarding the proposed Addendum to the SCI and the consultation to be undertaken in this respect is set out in the body of the report.

## 8. Equalities implications

- 8.1. There are equalities implications. Key implications that officers recognise include that holding virtual meetings may risk excluding some people for a variety of reasons, including for example those who do not frequently use or have ready access to electronic media or do not have reliable access to the internet by way of broadband or sufficient data allowances, and that people with protected characteristics for example such as age may be more impacted than others. Officers also recognise that holding virtual meetings may make it easier for some others with protected characteristics to "attend" virtually. These impacts have been taken into account. We will continue to aim to reduce some of the possible impacts of virtual hearings (and advance equality) by requiring speakers to provide what they wish to say in advance, so that if there is a technological issue their representations will still be taken into account, and we will continue to record all meetings and the recording can be made available later to those who wish to view at a later time.

## 9. Climate change and environmental implications

- 9.1. There are no climate change or environmental implications.

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## 10. Crime and disorder implications

10.1. There are no crime and disorder implications.

## 11. Health and wellbeing implications

11.1. There are no health and wellbeing implications.

## 12. Background papers

12.1. Lewisham Statement of Community Involvement

<https://lewisham.gov.uk/myservices/planning/policy/ldf/statement-of-community-involvement>

## 13. Glossary

Term	Definition
Statement of Community Involvement (SCI)	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.
Local Development Framework	The name for the collection of Local Development Documents. It consists of Development Plan Documents, Supplementary Planning Documents, a Statement of Community Involvement, the Local Development Scheme and the Annual Monitoring Report. Together, these documents provide the planning framework for the borough as developed at the local level.

## 14. Report author and contact

Christopher Dale [christopher.dale@lewisham.gov.uk](mailto:christopher.dale@lewisham.gov.uk)

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