



**City of Westminster**

# Planning & City Development Committee

**Date: 18 March 2021**

**Classification: General Release**

**Title: Draft Early Community Engagement Guidance**

**Report of: Director of Place Shaping and Town Planning**

**Financial Summary: None.**

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## **1 Executive Summary**

- 1.1 Over recent years local communities have raised concerns that they are regularly consulted too late in the planning pre-application process by developers, or in some instances not consulted at all. Often the engagement that is undertaken amounts to presentation of a finalised scheme, which is shortly after submitted as a formal application without scope for the community engagement to influence the proposal. In this context, officers have developed a draft Early Community Engagement Guidance Note (see draft document in the Background Papers). The purpose of the draft guidance is to ensure that developers are aware of the Council's expectation that community engagement is undertaken as early as possible during the planning pre-application phase using methods that maximise meaningful engagement with all parts of the local community.
- 1.2 The draft guidance sets out examples of good practice and provides a template timeframe for engagement to show how community engagement should be scheduled relative to other pre-application engagement with other stakeholders and officers. It also explains the level of information that should be submitted with pre-application requests to officers and with formal planning applications to demonstrate the community engagement that has been undertaken and how the engagement has helped to refine the finalised development proposal.
- 1.3 The guidance seeks to ensure that all engagement is compliant with the Equality Act 2010 and is inclusive, engaging traditionally disengaged groups as well as those who are more frequently engaged in planning matters.

## **2 Recommendation**

- 2.1 Members are asked to support the principle of the draft Early Community Engagement guidance and are invited to provide comments on the format and content of the draft guidance document.

### **3 Background**

#### Aim and Purpose of Guidance

- 3.1 The Government recognises the importance of community engagement in planning. Paragraph 39 of the National Planning Policy Framework (NPPF) (2019) states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Paragraph 40 identifies that local planning authorities (LPAs) have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. It notes though that LPAs cannot require developers to engage with other parties, including the local community, prior to submitting a planning application, but they may seek to encourage them to do so where they consider this would add value to the planning process and enhance planning outcomes.
- 3.2 Local communities have consistently raised concerns with councillors and officers that they are regularly consulted too late in the planning pre-application process by developers, or in some instances not consulted at all. Engagement that is currently undertaken often amounts to presentation of a finalised scheme that is submitted shortly after as a formal application without scope for the community engagement to positively influence the proposal.
- 3.3 In light of the guidance in the NPPF and to address these frequently voiced concerns, officers have developed a draft 'Early Community Engagement Guidance Note for Applicants and Developers'. The purpose of the draft guidance is to ensure that developers are aware of the Council's expectation that community engagement is undertaken as early as possible during the planning pre-application phase using methods that maximise meaningful engagement with all parts of the local community. The guidance also puts in place a mechanism to provide officers with enhanced visibility of views of the local community at pre-application stage, allowing officer advice at this stage to take greater account of local views where these are consistent with the development plan.
- 3.4 The advice in the guidance note builds upon the expectations and requirements set out in Section 8 of the Statement of Community Involvement (2014), which will be update later in 2021 following the adoption of the new City Plan.
- 3.5 All local authorities must have a Statement of Community Involvement (SCI) in order that they comply with Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). However, SCIs typically focus on how the LPA will act when engaging local communities and other stakeholders in the planning process, rather than seeking to guide developers on how to deliver best practice early engagement on their own development proposals. Some local authorities, such as Lambeth, Lewisham and Southwark do go further and provide more detailed advice for engagement advice to developers, but this is done either within their SCI, on their website or as guidance on how to engage with communities across all local authority service areas (i.e. not guidance that is specific to the planning process). No other Inner London LPA (including the City of London) currently has dedicated guidance on planning pre-application engagement for developers and applicants.
- 3.6 Support for the draft guidance from local communities and the developer community within Westminster is critical to the future success of the guidance given that its content will be advisory as developers cannot be required to carry out pre-application

engagement. To gather support and invite critical comment, the draft guidance has therefore been subject of informal consultation.

### Informal Consultation

- 3.7 Informal consultation on the draft guidance was carried out between 15 February and 12 March 2021 with amenity societies, neighbourhood forums, semi-recognised societies, the Queens Park Community Council (QPCC) and the Westminster Property Association (WPA). Separate discussion forums with the local groups and the WPA were also held during the week commencing 1 March. In addition, the Chairman of Planning, chairmen of each of the Planning Applications Sub-Committees and the Shadow Cabinet Member for Business and Planning have also attended a discussion forum with officers to discuss the content of the draft guidance.
- 3.8 Following the end of the consultation period the consultation responses have been collated and the draft guidance will be updated and amended in light of the consultee comments prior to its finalisation and publication.
- 3.9 Up to the date of finalisation of this report (9 March), the following consultation responses had been received from amenity societies, neighbourhood forums, semi-recognised residents' groups, the QPCC and WPA in response to consultation. Following the end of the consultation period on 12 March a full summary of all comments received will be circulated to the Committee in advance of the committee meeting.

### *Belgravia Neighbourhood Forum*

- Fully support the objectives of this initiative and are in overall support of it but consider there are areas where it does not go far enough.
- Welcome inclusion of neighbourhood forums as bodies that should be consulted by developers.
- Concerned that the asymmetry between the resources available to developers and consultees will remain and suggest measures are recommended in guidance to redress the balance including (i) an independent audit of developer presentations; (ii) an obligation for developers to produce a 'balance sheet' of positives and negatives; and (iii) appointment of a 'community champion' (a professional to represent the communities interests).
- Will remain too easy for developers to ignore community responses. Can guidelines be strengthened to guard against this?
- In Belgravia it is often non-major development that causes most annoyance, disturbance and distress to local residents and therefore guidance should be expanded to cover non-major development.
- Engagement forums will be intensive forms of engagement with limited numbers of participants – how can it be ensured that excessive participants are not included with specific views that dominate the consultation outcome?
- Recommend that more consultation methods are recommended for all development scales in Table 2.
- Impacts on the local community should specifically be addressed in developer presentation materials and information should be provided on how feedback should be acted on by developers.
- Once a Forum has a 'made' Neighbourhood Plan, the Forum needs to have the right to engage with officers to ensure that the policies contained within their plan have been appropriately considered, particularly as the plan will have been endorsed by the community via a referendum.

- Even where the neighbourhood plan is still at draft stage, the community and any advisors they may retain, must have the opportunity for detailed discussions with the relevant council throughout the planning process.

#### *Belgravia Residents Association*

- Draft proposal for engagement neither seems to be early, nor does it seem to engage the community very much and suggest following amendments.
- Non-major development should be required to be subject to consultation with leaflets/ mail drop and online communication to residents and business in the area. BRA should continue to receive email alerts to proposals.
- 10+ residential unit schemes should be as per non-major development, plus interactive digital engagement.
- 25+ residential units should be as above but also including early engagement forums.

#### *The Belgravia Society*

- Suggest changing the name of the guidance document so it is more meaningful.

#### *Hyde Park Paddington Neighbourhood Forum/ Marble Arch Partnership*

- Usability of the guidance could be improved in terms of web links.
- Section on groups should include a helpful narrative about who does what, and where influence lies/the hierarchy of influence (i.e. who amenity societies, neighbourhood forums and BIDs represent and how they function).
- Table 3 should not say 'and/or ward councillors/community' – both should be consulted.

#### *Mayfair Forum*

- Role of Neighbourhood Forums is understated in the draft guidance, particularly where a neighbourhood plan has been adopted.
- Ask that prior communication with the Form is made a required as a specific engagement event.
- More focus should be included on minor development which can also have impacts and would benefit from community engagement.
- Suggest that all developers of schemes proposing in excess of 100m<sup>2</sup> of new floorspace or a change of use should notify forums that have an adopted plan.

#### *Pimlico Neighbourhood Forum*

- Forums establish a high level vision for their area, collect views on what matters most for an area as regards future development, consult on priorities for policy areas, consult on policy proposals and provide binding policy through their plans.
- In light of these roles and responsibilities neighbourhood forums will be in a special position to respond and input on consultations
- Particular weight should be attributed to the views of neighbourhood forums and stronger emphasis on the role that forums play should be included in the guidance.
- Developers should address how proposals meet neighbourhood plan policies.
- Further work is required in the document to explain how developers should demonstrate compliance with City Plan policy objectives when carrying out engagement.

#### *Soho Society*

- Provided tracked changes to the draft guidance to address the following concerns.

- Initial engagement should occur on the basis of a written concept prior to a developer commissioning an architect or development team to produce a drawn scheme.
- Consultation with immediate neighbours should be prioritised.
- Greater priority should be given in the guidance to engagement on non-major development.
- Table 3 (example timeline) should be simplified and community engagement given greater prominence with table.
- To ensure accuracy and transparency, consulted groups should be asked to agree the minutes or notes taken at engagement events before they are provided in the developer's Early Engagement Strategy or SCI.

#### *Westminster Property Association*

- Recognise the crucial role of meaningful consultation and engagement in successfully managing change in the built environment. Note that this was a key theme of the WPA Insight Paper in 2018, 'Building Trust'.
- Believe that extensive community consultation already occurs on most large and strategic scale development in Westminster but recognise there is always scope for improvement.
- Detailed comments made on the content of the draft guidance, but highlight 5 key recommendations:
  - 1 Launch a pilot based on interim guidance before finalising, so that the framework can be tested and refined with feedback from participants
  - 2 Expand the principles of early engagement to all groups, regardless of whether property, business, resident or amenity, which all consult their local communities
  - 3 The criteria should as flexible as possible so individual site circumstances, not just unit size, can be taken into account
  - 4 Any rigid barrier to dialogue with officers pre-engagement could be detrimental to bringing forward some schemes, and could cause delay. The option should remain
  - 5 Facilitators may be useful in some instances, but once again flexibility as to if/when to appoint one is important

## **4 Considerations**

### Overview

- 4.1 The draft guidance document is structured to set out what effective early community engagement is and how this benefits all participants (Sections 1 and 2), before setting out a step by step process to designing a community engagement programme for major scale development in Westminster in the later sections.

### Promoting Early and Structured Engagement

- 4.2 The draft guidance sets out examples of good practice methodology and provides a template timeframe for engagement to show how community engagement should be scheduled relative to other pre-application engagement with other stakeholders and officers. It also explains the level of information that should be submitted with pre-application requests and formal planning applications to demonstrate the community engagement that has been undertaken and how the engagement has helped to refine the finalised development proposal.

- 4.3 Section 3 identifies the key consultees for development proposals within the city and sets out the steps necessary to ensure engagement is inclusive.
- 4.4 Section 4 sets out a range of model consultation methods to help developers deliver community engagement that is appropriately designed for the scale of development they are proposing. The majority of the consultation methods can be undertaken in person or alternatively online to ensure the reach of consultation is optimised and to provide flexibility at times when in person events may not be possible. The guidance makes clear though that the council expects developers to undertake a blend of traditional and online engagement to ensure the broadest possible range of participants are reached.
- 4.5 The range of engagement methods expected to be carried out for differing scales of major development is set out in Section 5. Table 2 visualises these expectations and sets the expectation that developers will submit an 'Early Engagement Strategy' when seeking pre-application advice from officers to demonstrate the community engagement that has taken place and share with officers the responses of the local community.
- 4.6 To improve the balance of developer presentations, the draft guidance recommends the that the following key information is be conveyed to consultees during engagement as a minimum:
- the vision and aims for the proposed development/ what the proposal is seeking to deliver and how this contributes to the Council's City Plan policy objectives;
  - site layout and details of the use, function and form of proposed development (interactive and/ or 3D modelling should be used wherever possible);
  - identified positive and adverse impacts of the development, including the impact on the local highway network, and its contribution to tackling the climate emergency<sup>1</sup> and increasing the sustainability of the city's building stock;
  - the S106 and other public benefits to be offered (where applicable);
  - the value of any CIL contribution (where applicable);
  - an outline timeline for delivery of the proposed development and how any foreseeable significant construction impacts could be mitigated;
  - alternative options for development of the site (at initial engagement sessions);
  - summary of feedback from earlier consultation, amendments to earlier scheme iterations and rationale for amendments (for follow up engagement sessions);
  - details of how feedback can be given during and following the engagement event.

The guidance reminds developers that the key information should identify potentially adverse, as well as positive, impacts of proposed development.

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<sup>1</sup> Westminster's Climate Emergency declaration: <https://www.westminster.gov.uk/climate-emergency-0>

- 4.7 Section 6 promotes the undertaking of community engagement at the earliest possible point in the scheme development process to ensure community views are genuinely used to influence and enhance development. Table 3 provides an example timeline for early community engagement in context with the process of obtaining pre-application advice from officers to provide more clarity on the expectation of when initial engagement with the community should occur. The guidance reinforces that for major scale development engagement should be a multi-phase process with subsequent phase(s) being used to seek further views from all those who respond to initial engagement on the evolving proposals, whilst also communicating amendments that have been made in response to earlier engagement. This approach helps to build trust and enhance transparency in the planning process and enables stakeholders to see that their input has resulted in tangible benefits to the local community.
- 4.8 Section 7 sets out the expected content of Statements of Community Involvement (SCIs), which are a validation requirement at planning application stage. The guidance identifies that these should build upon the content of the Early Engagement Strategy submitted to officers at pre-application advice request stage and demonstrate how the scheme has been evolved in response to the outcomes of ongoing community engagement.

#### Ensuring Inclusivity

- 4.9 The guidance seeks to ensure that all engagement is compliant with the Equality Act 2010 and upholds the values of equality, diversity and inclusion. The guidance promotes engagement that engages traditionally disengaged groups as well as those who are more frequently engaged. The guidance identifies that all engagement both in physical venues and online, should be disability positive
- 4.10 Advice is provided in Section 4 on how engagement can be designed to increase its reach beyond traditionally engaged groups. This can include, but is not limited to, use of innovative methods of engagement, such as social media or online meetings, the use of non-traditional venues and scheduling of engagement at times to people with differing responsibilities.

#### Enhanced Officer Understanding of Community Views

- 4.11 The guidance introduces the expectation that developers will now submit an 'Early Engagement Strategy' with requests for pre-application advice from officers. This document is designed to focus the minds of developers on the importance of community engagement at an earlier stage in the pre-application process, prior to officer engagement. The submitted strategy should include feedback from earlier community engagement or an undertaking to provide feedback from community engagement undertaken following the submission of a pre-application advice request. The purpose of this is to enable officers to have significantly enhanced visibility of the views of the local community at pre-application stage compared to the current situation where local community views are not typically communicated to officers until the submission of a formal application.
- 4.12 This approach will enable officers to take greater account of local views that are consistent with the development plan when providing advice to developers at pre-application stage.

#### Encouraging a More Collaborative Engagement Process

- 4.13 The golden thread throughout the guidance is the promotion of a more collaborative and open community engagement process for development proposals in Westminster. The guidance explains to developers that early community engagement offers a vital opportunity for them to explain their vision and aims and demonstrate how they propose to realise these having regard to site and economic constraints. By sharing their vision with local communities in an open, transparent and collaborative way, they can reduce the number and severity of objections raised at formal application stage.
- 4.14 The guidance highlights the benefits of a positive approach, such as benefiting from unique local knowledge of communities; the ability to test and refine ideas at an early stage and gather support for the general principles of development; reduction of conflict; and delivery of development that is more responsive to local need and resilient to future changes in local behaviour and demand.
- 4.15 The guidance also identifies that good quality community engagement provides wider benefits such as improving the relationship between developers and local communities and increasing trust in the planning process at a time when this has been demonstrated to be at a low level (see recent research by Grosvenor in Appendix A of the draft guidance).

#### Future Monitoring

- 4.16 Following publication, the document will be subject to regular monitoring to ensure that it reflects evolving best practice and references new and innovative methods of engagement that may emerge through the development of new technology. Officers will develop success criteria that identify the extent to which the guidance has positively influenced engagement practices to aid the future monitoring.

#### Next Steps

- 4.17 The draft guidance note will be updated and amended in light of the Committee's comments and the comments received in response to informal consultation. The amendments made to the draft version of the guidance will then be fed back to the stakeholders who have commented on the initial draft. Following this feedback and subject to Cabinet Member approval, the updated and finalised guidance note will be published in May 2021.

### **5 Financial Implications**

- 5.1 None. Any financial implications can be accommodated within existing budgets.

### **6 Legal Implications**

- 6.1 None.

### **7 Conclusion**

- 7.1 The introduction of guidance to encourage and support applicants and developers to carry out better structured and earlier community engagement will enhance the role that communities in the city are able to play in shaping their own places and help to increase trust in the planning process. The format and content of the draft guidance has been developed to provide constructive support to developers designing their engagement strategies and to ensure greater consistency of practice across the development industry, whilst also clearly setting out the Council's expectations of them.

- 7.2 The Committee is asked to support the principle of the draft guidance and, drawing on Members own experiences of community engagement, is invited to comment on its the format and content.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)**

**Background Papers:**

1. Draft Early Community Engagement Guidance Note – February 2021.