

INVOLVING PEOPLE IN PLANNING: DECEMBER 2013

KENSINGTON SOCIETY RESPONSE

In reading through the document we realise why it seems limited in its view of involvement. Its starting point is consultation, which is only part of what involvement is about.

To make involvement work, the document needs to spell out the obligations on the Council and the rights of residents/citizens. These are a mixture of legal obligations on the Council through the Planning Acts, various other Acts (eg Access to Information, Freedom of Information) and treaties (eg the Aalborg Treaty) that give citizens rights to access information and to participate in the decision-making process. These are summarised in various parts of the Council's Constitution and various other documents. However, whilst the Constitution could be characterised as "accessible", the fact is that no one seems to know about it, including most members and officers, and is very difficult find the relevant parts without direct weblinks. There is a reference in paragraph 5 and footnote 10 – but **this needs elaborating in an annex.**

Suggested additions:

An **annex of the Council's obligations and residents' rights** to present what residents should be able to expect to help them get involved, including Access to Information, Freedom of Information and Access to Environmental Information.

- **Access to information** is barely mentioned in the document although, through Access to Information requirements, this is a critical issue and more specific references are needed to set out the Council's obligations/citizens' rights (see above):
 - o applications – all relevant information
 - o Committee agenda and officer's reports
 - o background information to the preparation of these reports – ie the case file
 - o decisions
 - o monitoring reports
- **Access to environmental information** related to planning – where is this set out?
- **Freedom of Information:** information can be requested under the Freedom of Information Act

Weblinks:

It is now common practice to **provide direct/deep weblinks in all documents** to give direct access – omitting links on the basis that the website might change is a very poor excuse. References to the Constitution, for example, are not **very useful as it is presented in fragments and you would need to know what key words to search. There are relatively few places where links are needed. If the Council genuinely wants to encourage involvement or even to facilitate residents** exercising their rights, the

Involving residents/residents' associations/amenity societies:

- **A commitment to involve residents in any forum where policy is being developed** as well as proposals developing a management strategy. This should include changes to the Local Plan, the development of Supplementary Planning Documents, including especially planning briefs for major sites, **and** management strategies for town centres.
- **More needs to be said about the role of residents' associations, amenity societies and the two main civic societies**, the Kensington Society and the Chelsea Society. The general impression is that it is only about opportunities for individuals.

Pre-application stage:

- Residents' comments at the pre-application stage should be able to be received by the Planning Department – if “stored up” until there is a formal application residents are relegated to the role of objectors.
- Pre-application advice should become public once an application has been made – it should be part of the publicly-accessible “case file” - ie on the website.

Application stage:

- where are comments on proposals kept? On the case file?
- need to make clear in para 2.21 that “late” responses **will** be taken into account if the officer’s report has not been completed – see para 2.47).
- need to make clear that any documents which informed the officer’s report are public documents and should be accessible to the public (including representations)

Decision stage:

- need to make clear that applications proposed to be granted but for which there are three or more objections will be decided by the Planning Applications Committee (para 2.36)
- addressing the Committee – this needs to be more flexible when representations are made by residents’ associations and amenity societies (para 2.41)
- need to be clear that there is no right for the applicant to address the Committee other than in response to objectors who have been given permission to speak (para 2.43)
- the ban on “new matters” should not preclude comments on the content and factual accuracy of the officer’s report (para 2.47)
- the need to publish not only the conditions, but also S106 agreements, etc to which an approval is subject (para 2.49) **NB: there is an issue here about how the requirement to show these on the website is currently performed and how it is linked to the record of the decision.**

Appeals:

- para 2.54 could be more informative about what information the Council provides to assist residents wanting to write to the Planning Inspectorate, perhaps even saying that the case can be accessed easily by putting the case number into the box in the relevant weblink <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp> as the Planning Portal is not customer friendly

Enforcement:

- make clear that the normal time limits for enforcement do not apply to works to listed buildings

Planning Policy:

- **public deposit** includes depositing a physical document in the Central Library (and other libraries) for public inspection – this also applies to Committee Agenda and Reports and key Decisions – requirements of the Local Government (Access to Information) Act