

# **Consultation Statement**



Revised Statement of Community  
Involvement

February 2017

## Revised Statement of Community Involvement – consultation statement

---

The council consulted for over 8 weeks on the draft document, from 30 September to 28 November 2016.

In addition to public notices in the local newspapers, all individuals and organisations of the planning policy consultation database (around 1700) were notified about the consultation.

Eight responses were received in total. All the issues raised have been taken into account in the final draft of the document. These comments, and the council's response to them, are collated in the table below.

The responses were from a mixture of community organisations, individuals and statutory consultees. These are summarised below.

- The Better Archway Forum made a number of suggestions about other stakeholders that could be mentioned, clarifying how people can get involved at different stages, the importance of pre-application consultation, getting involved in design review and providing feedback on the website.
- The Canonbury Society stated their support for the document.
- A resident suggested a change around the guidance for material planning considerations listed in appendix 3.
- The Canal and River Trust suggested a more detailed listed of stakeholders for engagement at pre-application stage could be provided.
- Four organisations (Health and Safety Executive (HSE), Highways England, Historic England, and Natural England) made no specific comment.

Revised Statement of Community Involvement – consultation statement

| Respondent no. | Respondent           | Summary of comments   | Islington Council response  |
|----------------|----------------------|---|---|
| 1              | Better Archway Forum | <p>We would like to make the following recommendations to this Statement.</p> <ol style="list-style-type: none"> <li>1. Included within the definition of Stakeholders should be the Emergency Services and Bus Operating Companies as they can often offer essential insight into some of the effects of Planning from a different perspective from that of the other stakeholders you identify.</li> <li>2. Principle of Timeliness. It would be useful to include somewhere within the Paper a timetable of the planning stages, mapping out the stages where individuals can become involved.</li> <li>3. Related to this is the confidentiality requirement at the pre-application stage (5:10) which means that comments can only be made when it is sometimes too late to have the most beneficial effect. To involve a wider forum at the earliest stage to improve transparency and give the opportunity for input before proposals become fixed. Within this we do of course appreciate the requirement to keep personal details confidential.</li> <li>4. Design Review Panel. Currently this is not open to residents. We feel strongly that even if it would be too unwieldy to make the Panel open to the wider resident community it should be possible for local groups to be involved at the Design Review's early but critical stage of planning. The level of input from local knowledge can be invaluable in raising points not appreciated by independent professionals unfamiliar with the specific site concerned. Ideally face-to-face input would be optimal, allowing for queries to be raised, but failing that a written submission to the Panel would certainly be helpful.</li> <li>5. Appendix 1 - Communication and engagement methods. This is a useful summary of the Council's avenues of communication. We would recommend further research and analysis of the recipients' experience of consultation; what could a resident typically expect to see or receive for minor or major works? We recommend including a column indicating at what stage each communication method is intended to be used. More detail on which method should be used for which kind of development would also be useful.</li> <li>6. We would welcome the opportunity to provide feedback in a workshop or similar to discuss how planning is currently presented to residents, including navigating round the website and some improvements we feel could be made here.</li> </ol> | <p>The emergency services and bus operating companies can be important stakeholders on relevant planning applications however this will be determined on a case-by-case basis. The relevant agencies responsible for emergency services and transport will also be consulted as part of the policy development process. Section 2.4 provides examples of some of the main categories of stakeholders, rather than being an exhaustive or comprehensive list; it is therefore not considered necessary to cite further examples.</p> <p>The main stages of policy development are set out in table 1 of the document; this highlights the different opportunities for involvement. The timetable for the production of different policy documents and supplementary planning documents is set out in the Local Development Scheme as set out in paragraph 4.3. For planning applications the main opportunities for involvement are set out in chapter 5.</p> <p>The document strongly encourages pre-application consultation, as highlighted in paragraphs 5.2 – 5.7; however this cannot be required under current legislation.</p> <p>The Design Review Panel is a way for applicants to get professional design critique in preparing their proposal. There are separate mechanisms for community groups to get involved and influence design, such as through the pre-application/application process as well as through the development of site specific, spatial and strategic policies. The comments of the Design Review Panel can be made available when an application is submitted to allow review of their main comments and inform responses. Local knowledge is valuable and comments in response to proposals are very much welcomed to help inform decisions made by officers and/or the planning committee.</p> <p>The communication and engagement methods listed in appendix 1 are generally to help guide the development of planning policies, as mentioned in paragraph 4.10. Further text has been added to appendix 1 to clarify this. The proposed approach to planning applications is set out in section 5. Feedback on recipients' experiences of consultation is always welcome and can play a valuable role in assessing the effectiveness of particular methods.</p> <p>Please see response above. Any feedback is always welcome. There has recently been a shift to a new website. There is now a feedback mechanism about how helpful individual pages/sections are, or we would be happy to receive feedback about what could work better – either in written form or through</p> |

## Revised Statement of Community Involvement – consultation statement

| Respondent no. | Respondent            | Summary of comments  | Islington Council response   |
|----------------|-----------------------|--|--|
|                |                       |  | meeting.   |
| 2              | Canonbury Society     | <p>We think the report and its appendices is informative and helpful. It encourages residents to think in broader terms about town planning and its impact on the built environment. The Statement quite rightly provides a lot of detail of how to go about making an objection to a planning application or influencing infrastructure priorities. Facilitating greater resident participation in the democratic process is a laudable objective.</p> <p>Accordingly, we are supportive of the Revised Statement of Community Involvement and do not have any detailed comments.</p>   | Support noted.   |
| 3              | Individual (resident) | <p>This form appears to contain blatant contradictions.</p> <p>On the one hand in 5.16 the council says it will be bound to consider: "the impacts on daylight, sunlight, privacy" while buried in "Non material Planning Considerations" it says that issues not relevant to the council's decisions include: "ancient and other rights to light" The council is bound by UK law to consider rights to light in its planning projects and therefore this error in the "Non material Planning Considerations" needs to be corrected.</p> <p>I am still at a loss as to how the responsibility of planning in Islington can wash its hands of what is enshrined in UK law. Certainly the impact of a development on a property's value lies outside the law - but rights to light do not. No amount of sophistry changes that. Planning can not simply plough through what are recognised legal considerations whether the council arbitrarily believes its agenda is in the public interest or not. By the same measure planning can not, for the sake of argument, suddenly decide that a building's Noise/Light/Chemical pollution levels are not "Material Considerations". Planning, like everyone else, is bound by the laws of the UK.</p> | <p>The draft revised SCI provides some examples of what material considerations are as a guide to those who may be less familiar with planning. Appendix 3, references in more detail some of the examples of material and non-material considerations, based on a list from Planning Aid, and is used as a basic introduction to these issues.</p> <p>Material planning impacts such as daylight/sunlight, overlooking and privacy all fall within the remit of planning legislation are addressed by planning policies and are taken into account as part of decisions on planning applications.</p> <p>In addition to daylight and sunlight considerations being material planning considerations it is possible that rights to light exist as a private right between neighbours. A similar right would be the existence of a right of way. The "ancient and other rights to light" reference is within the context of examples of private issues between neighbours and covered by separate legislation. The right to light is protected under common law and by the Prescription Act (1832) in England and Wales.</p> <p>The SCI provides an illustration of material planning considerations; however, each case and the material considerations that are relevant will be decided on its merits, including amenity considerations such as daylight for which there is clear guidance and standards as set out in Islington's planning policies (for example Development Management Policy DM2.1 and supporting text at paragraph 2.13). The approach in the SCI is consistent with the Governments' view of material planning considerations and private rights to light, as set out in National Planning Practice Guidance, is summarised below:</p> <p><i>"The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or</i></p> |

## Revised Statement of Community Involvement – consultation statement

| Respondent no. | Respondent                        | Summary of comments   | Islington Council response   |
|----------------|-----------------------------------|---|--|
|                |                                   |   | <i>loss of private rights to light could not be material considerations”.</i>  |
| 4              | Canal and River Trust             | Paragraph 5.4, page 14, refers to pre-application consultation and advises applicants to liaise with relevant statutory consultees (Historic England etc). We would suggest that a more detailed list could be provided here, to include the Canal & River Trust.   | The Canal and River Trust (CRT) are recognised as an important stakeholder on relevant planning applications however it is not possible to provide a detailed list of all the potential stakeholders/landowners in the borough, these will be determined on a case by case basis. We welcome the continued involvement of the CRT as a stakeholder in planning matters in the borough. |
| 5              | Historic England                  | No comments.  | Noted.   |
| 6              | Natural England                   | We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications. We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: <a href="https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals">https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals</a> . | Noted.   |
| 7              | Highways England                  | No comment.   | Noted.   |
| 8              | Health and Safety Executive (HSE) | No specific comments on the document. Provided information about future consultation on local plans and sources of information.   | Noted.   |