



## Clapham Junction Action Group

9<sup>th</sup> January 2019

Planning Policy and Design  
Environment and Community Services  
Town Hall, Wandsworth High Street,  
London SW18 2PU

### **Representation in response to consultation on the draft Statement of Community Involvement**

Mr John Stone,

I am writing to you regarding the consultation on the draft Statement of Community Involvement (SCI).

We are aware that the initial consultation took place for a period of 6 weeks until 11 December 2018. However, in respect to the timing of the consultation towards the end of the year, our efforts to improve community involvement and consultation (supported by on-going discussion at planning forums) and especially your response on November 13<sup>th</sup> to send the draft document by email and post (as we did not receive the initial communication), we hope that you will find a way to include our comments and address our points.

You will find attached the response to consultation made by the Clapham Junction Action Group; in order to improved efficiency, we have kept the numbering and pages as reference throughout our comments.

Yours sincerely,

Cyril Richert

Clapham Junction Action Group  
<http://cjag.org>

# Statement of Community Involvement (SCI) draft for consultation

## Postulate

Throughout sections 1 & 2 we have considered that it describes community engagement for the full planning process (as stated in 1.1), and not only for the specific Local Plan review. We acknowledge that section 3 is specific to the Local Plan, but further sections detail also the current process for Localism (4) and Planning Applications (5).

If the SCI document intends only to the lifetime of this specific Local Plan review it should be clearly displayed at the top of the document.

## General Comment

The Clapham Junction Action Group (CJAG) is sharing years of frustration with many other community groups in the borough, caused by Wandsworth planning process. CJAG decided to participate to this consultation to emphasize our work on planning reform proposals currently discussed within local community groups in the borough. It seems therefore very inappropriate the display towards the end of the document (5.1, page 25) that “the Council has long-established and **successful** methods of dealing with, and consulting on planning applications”, methods which are actually the purpose of our reform proposals.

The Clapham Junction Action Group (CJAG) consider that the draft Statement of Community Involvement (SCI) is full of great principle but in practice contains no improvement to the issues currently discussed within the planning forum meetings and made public by CJAG.

## Great display of principles in the document and no effect

In our views, the document highlights very positively the many benefits of “achieving effective community involvement in the planning process” saying page 4:

1. more focus on the priorities identified by the community;
2. ability to draw upon a local knowledge base;
3. increased community commitment to the future of an area;
4. and increased support for the Planning Service.

However, the paragraph 2.2 ends with the sentence: “This enables communities to have a better understanding of how planning policies are developed and how decisions are made”. That is exactly what was clearly criticised by members of local groups at the Planning Forum meeting 12 July 2017, which can be summarised by the claim: this is not a forum, this is an update meeting! Those frustrations have been expressed during previous

meeting as well as by more formal emails to the PAC (Nov 2015). It is only recently that changes seem to happen, however not resulting yet in any change of policies.

Community groups have complained about the lack of consideration and wrote in an Open letter released in April 2014 that they cannot accept that “the valid objections made by residents can be ignored with impunity.” It seems far from the great principle of “more focus on the priorities identified by the community... etc”.

This is an obvious example of great display of principle in the document and little and no effect.

### **Wording should be strengthened to prevent ambiguity**

As we criticised in the past, Wandsworth's approach to planning is ambiguous at least and, as we saw in the past (the terms “*likely to be inappropriate*” used in the SSAD being translated in effect as “*likely to be accepted*”), wording should be strengthened and specified appropriately.

For example, the Council claims to take into account “the Gunning Principles”. However, “take into account” could be interpreted as “considered but dismissed”, as local community groups have claimed that it is often the case for public representations.

“Formative stage” is also very ambiguous if not misleading as 99% of developers will only consult at the final stage of the proposal, seeking recommendation from the officers and approval by the Council committee.

In a similar view, the structure of the sentence “demands of fairness are likely to be higher” is only a statement, without any consequence. It would be interesting to read the views of Wandsworth Council regarding a (quite recent) Supreme Court case in late 2014 involving Haringey London Borough Council and its consultation process. The judges said that consulting about a proposal does inevitably involve inviting and considering views about possible alternatives (especially on policies).

### **Great consideration for local groups, unfortunately undermined by reality**

It is worth quoting fully part 2.4 of the section page 5, as we have rarely seen such acclamation of the role of local community groups.

**Local communities** are those that are most affected by development in their areas and who **know the most about their neighbourhood**. There are **many benefits** to involving local communities in considering planning applications for their area, as well as local plan making such as:

- detailed local **knowledge, expertise** and **perspective** of local people, organisations and community groups;
- greater understanding of, and support for local policies, strategies and decisions;
- community commitment to the future development of their area; and
- improving the quality of life, and of the built and natural environment of the Borough.

Following an Open letter sent by local community groups (Putney Society, Wandsworth Society, CJAG and Friends of Putney Common) to the Prime Minister on Wandsworth Council's planning procedures and 'localism' practice failures, a Council spokesman said<sup>1</sup>: "It is always regrettable therefore that [local community groups] have a more NIMBYist approach and choose to hurl false and groundless allegations around when they don't get their own way."

Therefore, in view of the section 2.4 of the draft SCI, we think that it is also important for Wandsworth Council to clarify whether local community groups know the most about their neighbourhood, have detailed knowledge and expertise on local issues, and as such are legitimate to work with the Council, or are just NIMBYs.

**Conclusion**

Except the description of intended process of consultation for specific purposes such as the Local Plan Review or the CIL funds, the document appears as a list of great principles (although most are still to be observed), with some generic aspirations, a dose of ambiguity and a lack of definition, without any specific commitment.

But in any case, Wandsworth Council should choose whether to consider that local communities are those "who know the most about their neighbourhood" with "expertise and perspective of local people" (2.4, p5), in which case the Council will seek to work on planning reforms along with Community groups – or whether the current "success" of the process, emphasized by the belief that the method are "robust and relevant" (5.1, p25) will aim to dismiss criticisms.

**As CJAG aims to being proactive, we are including in Annexe our draft Paper on Planning Decision Reforms. This document has been shared for consultation within amenity societies and local groups since May 2018 and is being discussed within the Planning Forum since July 2018.**

**Detailed Comments**

*In order to improve the readability of the comments and with a concern for efficiency, we have listed and referenced the comments in the table below.*

Parag. /page	Quote	Comment
1.1, p2	"Statements of Community Involvement (SCI) provide a framework for future consultation	Throughout sections 1 & 2 we have considered that it describes community engagement for the full <u>planning process</u> (as

<sup>1</sup> <https://cjag.org/2014/04/10/societies-in-wandsworth-are-called-nimbys-by-the-council/> and in the Wandsworth Guardian: <https://cjag.org/2014/04/17/in-the-wandsworth-guardian-council-accuses-community-groups-of-being-nimbys-after-they-write-to-david-cameron-to-complain/>

	and <b>community engagement in planning</b> "	<p>stated in 1.1), and not only for the specific Local Plan review.</p> <p>From section 3 however we acknowledge that is specific to the Local Plan.</p> <p><b>If the SCI document intends only to the lifetime of this specific Local Plan review it should be clearly displayed at the top of the document.</b></p>
1.2, p2	"...requirements for <b>early</b> public engagement..."	Can you precise "early"? Is "early" consultation only possible for Council policies (such as drafts) or, does that include Planning Applications?
1.2, p2	"... <b>key organisations</b> applications..."	<p>Which ones? Can you provide a list?</p> <p>In 1.6 it says that the list is in Appendices 1-3. However, in 1.3 this is only the "consultation methods" with generic categories; for example, it says "local groups, including residents and tenants' groups and amenity societies" without any specific mention. CJAG was only consulted on SCI following our request by email.</p>
1.2, p2	"...The SCI seeks [...] to improve the <b>effectiveness of community involvement...</b> "	<p>Can you give examples on the way you aim to improve the effectiveness?</p> <p>In the <b>2013</b> local plan review, CJAG already expressed concerns about the effectiveness of policies. In an Open letter released in April <b>2014</b>, The Putney Society, Wandsworth Society, CJAG and Friends of Putney Common community groups made repeated requests to the Council to make changes to the way it is implementing its policies, but without success. Eventually, even the government inspector in charge of reviewing Wandsworth planning policy in July <b>2015</b> said that the documents as a whole were ineffective.</p>
1.3, p2	"... requirement to keep the SCI relevant and <b>up to date by</b>	When? Every year? Every 5 years? Every 10 years?

	<p>monitoring and reviewing established communication processes..."</p>	
1.3, p2	<p>"...new rights and planning powers to local communities..."</p>	<p>Which? Could we have a list of "new rights" and "new planning powers" that did not exist previous to this SCI draft?</p>
1.4, p2	<p>"Cost-effective ways of community engagement will continue to be explored..."</p>	<p>What is "cost-effective"? We need examples as what the Council considers cost-effective might not be at all what the local communities will consider as being effective.</p>
2.2, p4	<p>"Achieving effective community involvement in the planning process can have several benefits including:</p> <ol style="list-style-type: none"> <li>1. more focus on the priorities identified by the community;</li> <li>2. ability to draw upon a local knowledge base;</li> <li>3. increased community commitment to the future of an area;</li> <li>4. and increased support for the Planning Service.</li> </ol> <p>This enables communities to have a better understanding of how planning policies are developed and how decisions are made."</p>	<p>In practice, only the last sentence has been shown in effect.</p> <p>Community groups have complained about the lack of consideration and wrote in an Open letter released in April 2014 that they cannot accept that "the valid objections made by residents can be ignored with impunity."</p> <p>It seems far from the great principle of "more focus on the priorities identified by the community... etc".</p> <p>Can you explain what specific measures you intend to set?</p>
2.3, p4	<p>"Consultation should be undertaken when proposals are still at a formative stage"</p>	<p>The first of the Gunning Principles (1985, then Planning Act 2008 and the Localism Act 2011) needs to be detailed regarding Wandsworth Planning procedure.</p> <p>Currently, for planning applications, our understanding is that "formative" stage means the submission of the final version of the plan when developers request a planning application approval. In most of the cases, there is little ways of amending any proposal other than calling the Councillors to reject the</p>

		<p>application.</p> <p>Can you specify exactly what means "formative" stage for Wandsworth Council?</p>
2.3, p4	<p>"Responses must be conscientiously <b>taken into account.</b>"</p>	<p>In an Open letter released in April 2014, The Putney Society, Wandsworth Society, the Clapham Junction Action Group and Friends of Putney Common community group said: "Many residents have lost faith in the fairness and impartiality of the planning procedures. <u>We have attempted to engage with the Council to get them to follow their own local and also national policies, but to no avail.</u>"</p> <p>Therefore, the Council, unless considering that all Community groups are wrong (<i>which is in contradiction to SCI 2.4</i>) should explain how it intends to remedy to the situation.</p>
2.3, p4	<p>"<b>The demands of fairness are likely to be higher</b> when the consultation relates to a decision which is likely to deprive someone of an existing benefit."</p>	<p>This point, as part of the "gunning principles" is meaningless.</p> <p>We have seen in other part of the local plan that the use of the work "likely" was most of the time totally ignored during planning decision.</p> <p>In addition, the Supreme Court has provided guidance on how to conduct a fair public consultation process in R (on the application of Moseley) v London Borough of Haringey [2014] UKSC 56.</p> <p>The Supreme Court held that fairness may require that interested persons are consulted "<i>not only upon the preferred option, but also upon arguable yet discarded alternative options</i>" (para 28). Even where the statutory obligation only extends to consulting on the preferred option, fairness may nevertheless require passing reference to be made to alternative options.</p> <p>It seems that you considered this point only regarding the Local plan review (3.6, "draft</p>

		policies and alternative options")
2.6, p7	"Clearly summarise key issues/options/policies/proposals to guide responses. [...] Use plain English"	Expressions such as "likely" or "take account" should be avoided unless the policy states specifically the meaning and the consequence (is dismissing 99% of a large number of objections considered appropriate, etc...). An interim review process could be implemented aiming at changing inappropriate terms.
2.7, p7	"Statements of Consultation will be produced after every consultation stage <b>to explain how the Planning Service has actively sought to identify and engage with residents and stakeholders and to summarise and consider responses made.</b> "	What is the improvement?  This is the description of the current process, which most of the local groups are complaining about, writing in 2014 <sup>2</sup> : " <i>We have already written numerous times in the past to Wandsworth Council, the local planning authority, about our concerns about their planning procedures. Our latest attempt to raise the issues was during the 2013 consultation on the Local Plan review; unfortunately, the result published a few weeks ago shows, once again, that our concerns were largely dismissed.</i> "
2.8, p8	"The Council also makes <b>best use of the wandsworth.gov.uk website</b> "	CJAG listed a number of issues that resident groups have complained about for years: <ol style="list-style-type: none"> <li>1. lack of formatting possibility [at the Planning Forum meeting June 2013 officers promised that the formatting of online comment would be introduced in V4 – September 2013 release],</li> <li>2. scanning letter impossible to convert into Word documents,</li> <li>3. lack of notification when changes occur,</li> <li>4. documents do not have proper descriptions/titles,</li> <li>5. the way documents are split into many small files,</li> <li>6. adding people's names for online</li> </ol>

<sup>2</sup> <https://cjag.org/2014/04/07/open-letter-concerning-wandsworth-councils-localism-planning-procedure-failure/>

		<p>comment,</p> <p>7. misleading document names,</p> <p>8. difficulties to download,</p> <p>9. wrong dates for comments ... etc.</p> <p>All issues very easy to fix but no-one noticed any improvement. CJAG reminded that in July 2017, planning forum members were told that there were going to be some changes with the planning portal. Nearly exactly 1 year later, nothing happened. In a study published in 2014, the author said: <i>"the fact that this problem persists for a few years now means that the council is not interested in improving the services they deliver"</i>.</p> <p>We need to see measurable progress on the raised issues rather than wishful statements.</p>
2.10, p9	"the Planning Service will continue to engage with established partnerships, community groups and organisations, and <b>maintain an extensive and up-to-date consultation database</b> "	How can it be accessed? What are the criteria of that database?
2.12, p9	"An individual can also request to be automatically notified of new planning applications in their chosen area of Wandsworth."	It could be good to explain how.
2.17, p10	"For planning consultation this means maps and photos can be included alongside contextual information to make it more appealing and user-friendly."	This can easily be used as publicity for the Council's initiatives. A way of preventing a biased presentation of the proposals should be arranged.
2.19, p11	"It is intended that a webpage will be set up to provide a list of Council services, under each will be more information about how personal data is processed, who the Council may share"	When? Timeframe?

2.21, p12	"individual's name, address, and contact details is kept on the consultation database along with any comments made"	For how long?
2.21, p12	"Individuals who no longer wish to be contacted by the Council's Planning Service about any planning documents, or those who have previously signed up for notification of planning applications in an area, can contact the Council to request removal of their details at any time."	The right of access plays a central role in the General Data Protection Regulation (GDPR), however this part only talks about the mailing list and seems to misinterpret the EU regulation.  In a nutshell, GDPR includes not only the mailing list but also <b>the right to request access to, rectification or erasing</b> of <u>all personal data</u> as well as the right to data portability. It should also be communicated the envisaged period for which the personal data will be stored.
3.9, p17	"Whilst the SCI describes how the Council involves the community under current plan-making legislation..."	Is it <u>only</u> related to the current review of the local plan or to the community engagement in planning as paragraph 1.1 seems to imply?  <b>This is ambiguous and needs urgent clarification (see postulate in comments)</b>
4.5, P20	"A designated forum would need to commit to resourcing the production of the plan throughout its various stages including undertaking a strategic environmental assessment of the draft neighbourhood plan."	No specific comment as it concerns localism.  As a general comment, the statement beside is detrimental to the benefits of localism. As we still need to contemplate a neighbourhood forum in Wandsworth, it questioned the opportunity of this process and/or the help provided by Wandsworth Council in setting such group.
4.12, p23	"In areas without an adopted neighbourhood plan, 15% of CIL receipts are allocated to neighbourhood CIL."	As Neighbourhood forums lead and manage the neighbourhood plan, is there any area in Wandsworth with an adopted neighbourhood plan? If yes, could you list them (with 25% of CIL receipts)?
4.14, p24	"The Wandsworth Local Fund Neighbourhoods are:"	It is confusing with the neighbourhood plans which seem dedicated to neighbourhood forums. Therefore, is it a statutory term? If not, it should be changed to " <u>area</u> ".

5.1, p25	“The Council has long-established and <b>successful methods</b> of dealing with, and consulting on planning applications”	Totally irrelevant for the documents. It is pure self-congratulation from the Council. The statement is actually disputed by many community groups in the borough of Wandsworth and example of different methods in London borough have not been labelled as deeply failing.
5.4, p26	“ <b>While it is still a legislative requirement</b> , the Council will continue to advertise relevant applications in the local press”	Does it mean that the Council will stop doing it as soon as this is no longer a legal requirement?
5.13, p28	“The Council’s practice is to <b>negotiate improvements</b> to applications”	Isn’t it “to assess the validity of the application” with the statutory rules of the Local Plan and specific guidelines?  There is no detail on the way “improvements” (in the officer’s view) are “negotiated” and <u>we could assume that community opinions have no place in the process</u> . If it is considered, it should be explained when and how.
5.18, p29	Delegation	There is no mention of the rule when a planning application decision is under delegation or put before the Committee (number of objections?). It should be specified.

## Annexe

### Clapham Junction Action Group: Draft Paper on Planning decision reforms

The Clapham Junction Action Group published<sup>3</sup> in May 2018 a call for reforms in the way Wandsworth Council is consulting and pushing through planning applications and developments.

During the Planning Forum meeting on July 4<sup>th</sup> 2018, Cllr Sweet agreed to distribute to the PF members this draft paper summarising the proposals and aspiration of CJAG to improve the planning process.

We have divided the suggestions/aspirations into 3 main categories: Meaningful public consultations; Planning Application Committee (PAC) representation and transparency; Local plan properly non-ambiguous and enforced.

This document aims at contributing to the debate on planning reforms. Our examples have solely the purpose of illustrating the current issues we have segregated and we hope that an open discussion will lead to changes that community groups and local authorities could endorse.

A summary of the proposals is located at the end of this document.

### 1. Meaningful public consultations:

**1.1. Proposal 1:** The Council will have a duty to meaningfully consult organised/constituted community groups and take account of recommendations.

#### 1.1.1. Local context

A study called "*Technology as a Tool for Public Participation in the Planning Process: Lessons Learnt from the London Borough of Wandsworth*"<sup>4</sup> published in 2014 found that WBC current strategy is called 'Decide and Defend' (DAD). This consists of announcing the location for a development and then building arguments in order to defend the decision (cf Rydin, 2011). Therefore, the public is not left with any option other than oppose the development or agree with it. It says: "*If developers' strategy would encourage people to engage more in planning issues from the early stages of a planning application instead of using the DAD approach, NIMBY behaviour may be avoided.*"

In an Open letter<sup>5</sup> released in April 2014, The Putney Society, Wandsworth Society, the Clapham Junction Action Group and Friends of Putney Common

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<sup>3</sup> See article 3<sup>rd</sup> May 2018: <https://cjag.org/2018/05/03/our-aspirations-to-reform-planning-decisions-in-the-borough-of-wandsworth/>

<sup>4</sup> <https://cjag.org/2014/10/14/research-shows-wandsworth-planning-consultation-method-failed/>

<sup>5</sup> <https://cjag.org/2014/04/07/open-letter-concerning-wandsworth-councils-localism-planning-procedure-failure/>

community group said: *“Many residents have lost faith in the fairness and impartiality of the planning procedures. We have attempted to engage with the Council to get them to follow their own local and also national policies, but to no avail.”*

### **1.1.2. Emerging discussions and additional elements**

Although Community Groups and Societies claimed for years that Wandsworth Policy documents were ineffective (including producing a dossier<sup>6</sup> to illustrate the case), it is only after the government inspector in charge of reviewing Wandsworth planning policy said in July 2015<sup>7</sup>: *“Without a policy to expressly state that site allocations will be approached in this way the documents as a whole are ineffective”* that the Council agreed to make minor changes to the wording of the planning documents.

**1.2. Proposal 2:** The Council will have a duty to take account of and respond to consultations held by the Council (e.g. planning) to restore the confidence of communities in them. It will include stating clearly in advance how the consultation results will be considered.

#### **1.2.1. Local context**

As examples, we can cite two consultations organised by the Council where final results were dismissed:

- a) During Wandsworth full Council on Wednesday 9 December 2015 Cllr Osborn highlighted that *“62% of residents said they were opposed to future Formula E races in the park”* in response to a consultation organised by the Council on its own website<sup>8</sup>. The Leader of the Council, Cllr Govindia responded with this remark<sup>9</sup>: *“Let’s be quite clear about the maths: 62% of the 1,366 respondents to the Council’s survey expressed this view – not 62% of residents. That equates to 847 people. As a percentage of the Borough’s population of around 310,000, that is 0.27% [opposed to Formula E races in the park]”*. It is only after the local residents challenged the Council with a Judicial Review that their view was conceded.
- b) In the recent proposal for the Northcote Library, a letter sent on March 3rd 2017 by Cllr Cook stated: *“Whether or not this scheme proceeds will depend largely on the results of the public consultation”*.

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<sup>6</sup> [https://cjag.files.wordpress.com/2014/03/open-letter-planning\\_process\\_issue-wbc.pdf](https://cjag.files.wordpress.com/2014/03/open-letter-planning_process_issue-wbc.pdf)

<sup>7</sup> <https://cjag.org/2015/09/21/wandsworth-policy-document-on-sites-is-ineffective-says-government-inspector/>

<sup>8</sup> [http://www.wandsworth.gov.uk/site/scripts/news\\_article.php?newsID=12958](http://www.wandsworth.gov.uk/site/scripts/news_article.php?newsID=12958)

<sup>9</sup> <https://cjag.files.wordpress.com/2017/10/fe-questions-to-the-leader-of-the-council.pdf>

A report presenting the consultation results (September 2017 – Committee report paper 17-286, page 7<sup>10</sup>) indicated:

Support for the overall development:

- Long form 496 responses: positive 36%, negative 50%, neutral 14%
- and no less than 61% of respondents did not like the Chatham Hall development part of it, 58% against the provision of new flats and 70% opposed to impact on Alphabet Nursery.

However, the conclusion of the report is: "*These results demonstrated that there is support for a new library and community hall; [...] The long form results do reveal a lower level of positive support but overall the negative responses do not outweigh the positive and neutral responses.*" As a consequence, the plan to destroy the current library and Chatham Hall was approved by the Council.

### **1.2.2. Emerging discussions and additional elements**

As expressed in previous document addressed to the Council, Wandsworth resident groups are concerned that consultations appeared to be regarded as simply providing the necessary "tick in the box" to fulfil a statutory duty that can later be ignored.

### **1.3. Proposal 3: The Council will have a duty to use a ballot for approving final version of large schemes such as regeneration.**

#### **1.3.1. Local context**

Local residents were consulted by Wandsworth Council in autumn 2013 on the future of the area near Clapham Junction station (Winstanley and York Road estates). According to the booklet produced by the project team in the following exhibition<sup>11</sup>, the number one thing that residents wanted to change was: Improved homes with fewer towers.

The latest exhibition shows now the difference between what was presented to the local residents to get their vote in 2013, and what is now strongly suggested: the 2018 exhibition is proposing several towers from 10 to 32 storeys.<sup>12</sup>

No further ballot was organised after the initial 2013 consultation (showing a maximum of 9 storeys buildings as per planning rules), despite the changes in the regeneration scheme.

#### **1.3.2. Emerging discussions and additional elements**

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<sup>10</sup> <https://cjag.files.wordpress.com/2017/09/northcote-library-outcome-of-consultation-paper-no-17-286.pdf>

<sup>11</sup> <https://cjag.files.wordpress.com/2013/11/winstanley-york-road-options-open-day-exhibition-boards.pdf>

<sup>12</sup> <https://cjag.org/2018/06/18/winstanley-regeneration-can-we-trust-the-council/>

At a meeting on Wednesday 27th June 2018<sup>13</sup>, Planning Committee London Assembly members heard Barbara Weiss (Architect on the panel), saying: *“Local residents should have a much greater say (whether they can have a veto?). At the moment they have a very limited power and it does affect enormously how you feel about an area”*.

In the city of Berlin, Germany, a petition by local residents can force action by city lawmakers to reach a compromise.

## 2. Planning Application Committee (PAC) representation and transparency:

**2.1. Proposal 4:** The Council will allow public representation of organised/constituted community groups for large schemes/ level of responses.

### 2.1.1. Local context

During discussion at the 4<sup>th</sup> July 2018 Planning Forum meeting, a member highlighted that most of the other boroughs allow constituted groups or even residents to make representations. According to the Minutes of the meeting<sup>14</sup>: *“In Wandsworth, the process is to have the ward councillor collate all the views of the residents and speak on their behalf which leads to a more focused discussion. Cllr Sweet prefers the Wandsworth procedure but is happy to discuss this matter further.”*

### 2.1.2. Emerging discussions and additional elements

In the Borough of Richmond (which is sharing staff structure and managed services with Wandsworth) members of the public are welcome to speak about specific applications at Planning Committee meetings<sup>15</sup>. Councillors have the possibility to speak in addition to the quota of local residents.

Each speech (up to 4 or 6 different speakers with half for and half against) is limited to 3 minutes<sup>16</sup>. It is possible to use photographs, drawings and images (text and transcripts of the speech are not accepted) as evidence but these must be submitted in advance. The speech should only relate to material planning considerations. After the speech, the Committee may wish to ask questions to clarify points raised by the speaker.

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<sup>13</sup> <https://cjag.org/2018/06/28/because-you-are-choosing-to-live-in-london-you-have-no-right-to-daylight-the-london-assembly-hears/>

<sup>14</sup> Amended to quote Planning Forum Draft Minutes 4th July 2018, at the request of Cllr Sweet.

<sup>15</sup> [https://www.richmond.gov.uk/services/planning/planning\\_committee/apply\\_to\\_speak](https://www.richmond.gov.uk/services/planning/planning_committee/apply_to_speak)

<sup>16</sup> [https://www.richmond.gov.uk/services/planning/planning\\_committee](https://www.richmond.gov.uk/services/planning/planning_committee)

In the Royal Borough of Kensington and Chelsea<sup>17</sup>, similarly, only three minutes are allowed for those speaking in support of an application and three minutes those speaking against (if more than one person wishes to speak in support or against an application, it will be for them to decide whether to appoint a spokesperson or to split the time between them). Councillors can speak in addition for another 2 minutes (and 2 additional minutes are then allowed for the opposite side to defend).

Last but not least, the Practice Guidance Note 1 published by the Planning Officers Society states<sup>18</sup>:

*"1. It is generally considered good practice to provide the opportunity for objectors and supporters to address a Committee which is making decisions on controversial or important planning applications. It creates the opportunity for people to feel more involved in the decision-making process by being able to articulate their concerns before a decision is taken.*

*2. Initial concerns that public speaking could lead to over lengthy meetings have not generally been borne out, particularly where authorities have high levels of officer delegation and limit the number of speakers. In these cases, the time available to elected members to focus on major or controversial decisions is judged to have brought about better management of performance, and better public satisfaction.*

*3. Objectors are more likely to feel due weight is given to their views, and supporters or promoters are able to respond to issues raised, if "public speaking" is allowed. The planning authority shows itself open to listening to differing views before a decision is taken".*

**2.2. Proposal 5:** The Council will improve transparency of planning decisions by ensuring that records/videos of the PAC discussions are accessible on the Council website, broadcasted live and saved.

### **2.2.1. Local context**

The Planning Application Committee meetings in Wandsworth are currently sound-recorded and this recording is not accessible to the public.

During discussion at the 4<sup>th</sup> July 2018 Planning Forum meeting, answering a question from the Wandsworth Society about the possibility to broadcast a live video of the monthly Planning Application Committee meetings, the chair Cllr Sweet said (according to the minutes<sup>19</sup>): "*Full Council was already filmed, with*

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<sup>17</sup> <https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/consultations/planning-applications-committees>

<sup>18</sup> <http://www.planningofficers.org.uk/downloads/pdf/Guidanceonpublicspeakingatcommittee.pdf>

<sup>19</sup> Amended to quote Planning Forum Draft Minutes 4th July 2018, at the request of Cllr Sweet.

*videos posted online. The Planning Applications Committee is not likely to be filmed in the near future but audio recordings are taken to aid inspectors and the Local Government Ombudsman. The Planning Applications Committee is a public meeting so there is no problem with helping residents to see what is being discussed; but the cost of the system needed to be weighed against any potential benefit."*

### **2.2.2. Emerging discussions and additional elements**

In Richmond *"Planning Committee meetings are filmed for live or subsequent broadcast on [their] website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council"*<sup>20</sup>.

Videos are saved on the Council's website with "interactive" features (possibilities to jump to a specific speaker/item) and visible at any time, such as:

[https://richmond.public-i.tv/core/portal/webcast\\_interactive/363843](https://richmond.public-i.tv/core/portal/webcast_interactive/363843)

This proposal was publicly supported by the Labour group during the 2018 local election.

## **3. Local plan properly non-ambiguous and enforced:**

**3.1. Proposal 6:** Community groups will be consulted ahead of Local plan reviews and the Council will take account of their recommendations when amending plans.

### **3.1.1. Local context**

In an Open letter released in April 2014<sup>21</sup>, The Putney Society, Wandsworth Society, the Clapham Junction Action Group and Friends of Putney Common community group said: *"We have already written numerous times in the past to Wandsworth Council, the local planning authority, about our concerns about their planning procedures. Our latest attempt to raise the issues was during the 2013 consultation on the Local Plan review; unfortunately, the result published a few weeks ago shows, once again, that our concerns were largely dismissed."*

### **3.1.2. Emerging discussions and additional elements**

Meeting on Wednesday 27/6 Planning Committee London Assembly: Sunand Prasad (Architects and London Mayor design advocate) said: *"there should be a level of engagement with local people that we have never achieved, and we need to do that to do really resilient and proper local plan"*.

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<sup>20</sup> [https://www.richmond.gov.uk/planning\\_committee](https://www.richmond.gov.uk/planning_committee)

<sup>21</sup> [https://cjag.files.wordpress.com/2014/03/open-letter-planning\\_process\\_issue-wbc.pdf](https://cjag.files.wordpress.com/2014/03/open-letter-planning_process_issue-wbc.pdf)

He said it should be implemented “*at a plan stage (to avoid a chaotic unstable system)*”

**3.2. Proposal 7:** The Council will have non-ambiguous policies and enforce them through planning decisions. The Council will ensure that local plan policies are not subverted and avoid breach of policy (such as with the “on balance ‘acceptable’” wording).

### 3.2.1. Local context

In the 2013 local plan review<sup>22</sup>, CJAG wrote: “*We want to believe that this new review of the local plan will give opportunities to address the concern of the local residents, including the lack of rigour of the use made of the current policy guidelines.*

*[...] The wording of the [Core Strategy] is an open door to all understanding and misuse by the Council to justify any planning development. We have already numerous examples where factual breach of policies is balanced with subjective “overall benefit” in Wandsworth planning reports. Those statements have no place in the document and must be removed for the policy to become effective.*

*[... Regarding DMPD] although the policy seems to be specific enough, in reality many resident associations, groups and even councillors have recently criticized the lack of rigour to which those policy have been applied and often ignored by Wandsworth Council. Within the last years, Wandsworth Borough Council has passed a series of applications often making a very wide interpretation, dismissing or even ignoring existing policies. Therefore, they are not effective and need to be reinforced.”*

In an Open letter released in April 2014<sup>23</sup>, The Putney Society, Wandsworth Society, CJAG and Friends of Putney Common community group said: “*Nevertheless, however impressive the final planning documents are, they are of little value if planning policy and guidance can be ignored by the Council in reaching major planning decisions. [...]*

*We do not accept that the Council can simply pick and choose which of their recently adopted policies they can apply, and that the valid objections made by residents can be ignored with impunity. We have made repeated requests to the Council to make changes to the way it is implementing its policies, but without success.”*

### 3.2.2. Emerging discussions and additional elements

The GLA Committee’s position is: “*The Committee has consistently recommended that Mayoral planning policy is strengthened to restrict the location of London’s tall buildings and improve their design and scrutiny of potential alternative design configuration. Moreover, the Committee agrees that tall residential buildings are not*

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<sup>22</sup> [https://cjag.files.wordpress.com/2013/07/cjag-comment\\_localplan\\_june2013.pdf](https://cjag.files.wordpress.com/2013/07/cjag-comment_localplan_june2013.pdf)

<sup>23</sup> [https://cjag.files.wordpress.com/2014/03/open-letter-planning\\_process\\_issue-wbc.pdf](https://cjag.files.wordpress.com/2014/03/open-letter-planning_process_issue-wbc.pdf)

*an answer to London's real housing needs and as such should not be encouraged outside of a few designated and carefully managed areas of London."*

At the planning forum meeting 29<sup>th</sup> January 2018<sup>24</sup>, Adam Hutchings (Principal Planning Officer, Wandsworth) clearly said that the Site-Specific Document (SSAD) is part of the statutory policies, as all the documents (Core Strategy, DMPD, SSAD) making the Local Plan. Nick Calder (Head of Development Management) added that guidelines are definitely below policies in importance.

**3.3. Proposal 8:** The Council will give guidance on and power to call-in decisions that do not accord with the local plan.

### **3.3.1. Local context**

Cllr Govindia said that if residents are not happy with decision, they can apply for judicial review. Recent example on the Judicial Review process (Niel's lodge, Wandsworth Common) showed that the total cost of the full judicial procedure that the local resident supporting the case needed to pay, is close to £60,000 (including judicial advice, PCs, etc) and only half should be finally reimbursed as they won<sup>25</sup>.

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<sup>24</sup> <https://cjag.org/2018/02/03/planning-forum-meeting-29-january-2018-a-new-era/>

<sup>25</sup> The Judge decided that Wandsworth Council acted unlawfully and was confirmed in appeal

## Summary of proposals for discussion

### 1. Meaningful public consultations:

**1.1.Proposal 1:** The Council will have a duty to meaningfully consult organised/constituted community groups and take account of recommendations.

**1.2.Proposal 2:** The Council will have a duty to take account of and respond to consultations held by the Council (e.g. planning) to restore the confidence of communities in them. It will include stating clearly in advance how the consultation results will be considered.

**1.3.Proposal 3:** The Council will have a duty to use a ballot for approving final version of large schemes such as regeneration.

### 2. Planning Application Committee (PAC) representation and transparency:

**2.1.Proposal 4:** The Council will allow public representation of organised/constituted community groups for large schemes/ level of responses.

**2.2.Proposal 5:** The Council will improve transparency of planning decisions by ensuring that records/videos of the PAC discussions are accessible on the Council website, broadcasted live and saved.

### 3. Local plan properly non-ambiguous and enforced:

**3.1.Proposal 6:** Community groups will be consulted ahead of Local plan reviews and the Council will take account of their recommendations when amending plans.

**3.2.Proposal 7:** The Council will have non-ambiguous policies and enforce them through planning decisions. The Council will ensure that local plan policies are not subverted and avoid breach of policy (such as with the "on balance 'acceptable'" wording).

**3.3.Proposal 8:** The Council will give guidance on and power to call-in decisions that do not accord with the local plan.