

DEVELOPMENT CONSULTATION CHARTER

CONSULTATION DRAFT
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Contents

Introduction

What is the Development Consultation Charter?	3
Who is the Development Consultation Charter for?	3
Why do we need a Development Consultation Charter?	4
Who is consulted and engaged with on a planning application?	5
How will this Charter work?	5
What type of applications must be consulted on by the developer?	6
What should a developer consider in the preparation of the Pre-Submission Engagement Plan and Engagement Summary?	7
When will consultation happen?	8
Consulting in exceptional circumstances	8
Old Kent Road Community Review Panel	8
Equalities Impact Assessment	9
The role of the planning officer	9
The role of the developer	10

Requirements for Developers

Stage 1: Best practice that a developer should undertake before submitting a planning application	11
Stage 2: Required steps that a developer must undertake with the submission of their planning application	13
Stage 3: Best practice that a developer must undertake after a planning application has been approved	15

Validation requirements

Pre-Submission Engagement Plan	16
Engagement Plan	16
Engagement Summary	16
Equalities Impact Assessment	17

Monitoring the Developer Consultation Charter

Monitoring the Developer Consultation Charter	17
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Introduction

What is the Development Consultation Charter?

This Development Consultation Charter (DCC) sets out how our community can expect to be consulted by developers through the three stages of the planning application process:

Stage 1: Best practice before a planning application is submitted to the council

Stage 2: At the submission of a planning application

Stage 3: After a planning application has been approved

We want to put the community at the heart of shaping the changes that are taking place in their neighbourhoods and ensure that consultation is being carried out to the quality and level that we set out in this Charter.

We require developers to submit an **Engagement Plan** and an **Engagement Summary** at the planning application stage that outlines what type of consultation has already been undertaken by the developer, the feedback that has been received from the community and how it has been used to inform the development, what further consultation is planned.

This Development Consultation Charter sets out the requirements for developers to demonstrate the comprehensiveness of their community consultation and engagement throughout the planning application process, and ensure that they have taken due regard of equalities impacts. The Charter also requires developers to demonstrate due regard to existing transport and social infrastructure, community assets, local demography, heritage and cultural assets, and sustainability and climate change considerations.

The Charter requires all applications to submit an **Equalities Impact Assessment** that is proportionate to the type and scale of development.

The Charter applies to the council's own development projects, such as building new council homes or other community buildings.

Who is the Development Consultation Charter for?

The community: The community includes all of those who live, work, study, worship and volunteer in Southwark. This Charter will provide you with information on what type of engagement and consultation you can expect from developers throughout the planning process so that you can help to shape your neighbourhoods.

Developers: This Charter sets out clear guidelines for developers on how consultation should happen at each stage of the planning process so that a development is supported by and reflects the needs of the community.

The Council: This Charter informs what the council will require from developers as part of the validation and assessment of planning applications.

Why do we need a Development Consultation Charter?

We recognise planning and growth is not just about change to the buildings and environment around us, but improving the lives of people in the borough. It is important that everyone has a voice and is able to influence change and the way we invest in the borough.

The Development Consultation Charter is our promise to the community to deliver the objectives of Southwark Plan Policy SP2 "Southwark Together". This Charter forms part of our **Statement of Community Involvement (SCI)** which is a statutory document that sets out how we will consult our community throughout the planning process. This way of working together requires providing the community with:

- Clear guidelines for consultation and a better understanding of the planning process
- More timely and accessible information online
- Accessible, online information on how the engagement and feedback has shaped discussions and proposals

This will help developers to submit a planning application that has been shaped by working closely with the community. We can then make informed, transparent decisions on the merits of the development.

Why should a developer engage and consult with the community?	Why should the community get involved in planning?
<p>Engagement with the local community has many benefits.</p> <p>Engagement can:</p> <ul style="list-style-type: none"> • Ensure developers understand local concerns at an early stage and lead to better outcomes for local people • Assist in the design process to develop the best design for the site • Inspire innovative ideas and solutions with people who understand local issues • Gain more support from and empower the community as they have been listened to, valued and respected 	<p>Engaging with the planning process means that you can get involved in shaping your area.</p> <p>Engagement can:</p> <ul style="list-style-type: none"> • Allow you to have your say on how your neighbourhood is developed • Make sure that the needs of the community are responded to • Empower the community and make a difference to how development happens in the borough

Who is consulted and engaged with on a planning application?

This Charter aims to bring forward effective and meaningful conversations between the community and the developer. In particular, it sets out our expectations about reaching local people that reflect the diversity of Southwark and the location of the site within our neighbourhoods. Developers must consult face-to-face with local people as well as local groups, and should research the following organisations in their area. This list is not exhaustive.

- Local faith groups
- Tenants & Residents Associations (TRAs)
- Local schools and colleges
- Ward Councillors
- Voluntary organisations such as Community Southwark and the Forum for Equalities and Human Rights in Southwark. These groups have extensive links with local groups and organisations within the borough.
- Local heritage societies
- Neighbourhood forums
- Multi-ward forums
- Business Improvement Districts

How will this Charter work?

There are three different stages to the planning process that the Charter covers:

Before a planning application is submitted to the council

We require developers to set out how they will engage with the community in a **Pre-Submission Engagement Plan** before a planning application is submitted. A developer will sometimes have pre-application meetings with the council to discuss their ideas for a development. The engagement to be carried out by the developer may be agreed with the council at this stage

At planning application stage

An Engagement Summary, Engagement Plan and Equalities Assessment will be submitted by the developer as part of a planning application. The Engagement Summary must outline all the engagement that took place prior to the submission of the application, how the developer has listened to the consultation and then evolved the proposal as a result, and a Social Value Statement. An Engagement Plan sets out further public consultation by the developer during the planning application process. Both will be considered as part of the planning decision as a material consideration.

After a planning application is approved

The community will be updated at key stages of the construction process, with ongoing opportunities for members of the public to receive updates on the construction of the development and raise any concerns.

The Engagement Plan and Engagement Summary must demonstrate how relevant people with protected characteristics have been considered within the proposed development and the consultation process.

Where we think that the engagement has not met the requirements of this Charter, including face-to-face consultation, we will require developers to do further engagement work.

What type of applications must be consulted on by the developer?

The extent of public consultation varies site by site depending on the type and scale of development and the location and context of the application site. We expect developers proposing 10 homes or more, or at least 1000 sqm of commercial floorspace to engage with the community from the earliest possible stage of the development. Any major or larger applications must undertake a public meeting where people can have their say on the application.

All council schemes such as new community buildings or housing schemes that propose at least one home will also engage with the community*.

Council Schemes

All council schemes, including housing schemes that propose one or more new homes

Major Applications

10 - 49 homes

1,000 sqm - 3,499 sqm commercial floorspace

Strategic Applications - lower range

50 - 99 homes

3,500 - 10,000 sqm commercial floorspace

Strategic Applications - higher range

100 + homes

over 10,000 sqm commercial floorspace

*With the exception of council-owned Hidden Homes schemes, as these are conversions in existing developments. The impacts of this type of development on equalities issues should still be taken into consideration in the planning application process.

What should a developer consider in the preparation of the Pre-Submission Engagement Plan and Engagement Summary?

The developer must carry out research on the application site and its surrounding area, and summarise the findings as part of the Pre-Submission Engagement Plan and Engagement Summary. The research should include an assessment of key transport and social infrastructure, community assets, local demography, heritage and cultural assets, and sustainability and climate change considerations. The Engagement Summary should also show how this research has informed the design and development of the proposed scheme. The following criteria must be considered, but are not exhaustive:

About the community

- Have due regard to how the development might impact people differently depending on their race, age, gender reassignment, disability, sexual orientation, religion or belief, or sex.
- How the development fosters good relations between different groups in the community
- How can the community get involved and help shape the development?

Conservation and Heritage

- Is the site in a conservation area?
- Is the building listed?
- Is the site/building a place of community interest

Community Infrastructure

- Existing health care, community, cultural and educational provision

Finding out about the site and neighbouring area

- Who currently occupies the site?
- Will they need to be relocated? On what basis? Will they be expected to return?
- Are there neighbours in close proximity?
- What is in the surrounding area - including employment and businesses?

Highways and Transport

- How is the site accessed?
- Will there be an increase in traffic during construction?
- Will there be an increase in traffic in the new development and servicing in the site

Climate Change and Sustainability

- Climate change mitigation and adaptation considerations of the site and proposal

When will consultation happen?

Consultation will happen at different stages in the planning process. To make sure that the community is involved from the earliest possible stage until the end of the process when construction begins, consultation will take place:

- Before a planning application is submitted. This is undertaken by the developer. If the proposal substantially changes between this phase of consultation and the submission of a planning application, the developer must re-consult the community on the revised proposal prior to its submission.
- At the planning application stage. Statutory consultation is undertaken by the council. Further public consultation must also be undertaken by the developer at this stage, especially if the planning application is subsequently amended and undergoes further stages of statutory consultation.
- After the application is approved. The council will also consult on reserved matters if applicable. The developer may do further consultation if required.

The engagement that is undertaken should be proportionate to the impact of the proposal and the people who may be affected. The people who are engaged should reflect local diversity.

Consulting in exceptional circumstances

We recognise that in exceptional circumstances, such as the COVID-19 pandemic, consultation may need to take place in different ways or use different methods so that we can continue to deliver new homes and projects within our borough.

The tables on pages 10-14 of this Charter set out best practice examples of how we expect developers to carry out consultation in Southwark, as well as alternatives to face-to-face meetings and workshops in exceptional circumstances. These alternatives should only be used when face-to-face engagement is not possible, and help us to continue working with our communities so that people can have their say and help shape their neighbourhoods.

Old Kent Road Community Review Panel

A [Community Review Panel](#) has been set up in the Old Kent Road Opportunity Area. This panel provides independent advice on planning in the regeneration area. It discusses issues including housing, transport, public and green spaces and the environment. This will help to ensure all new developments are of the highest possible quality and meet the needs of people living and working in the area.

The panel is made up of around 12 members from all backgrounds and ages (18 or over). The panel meets once a month to discuss proposals. These discussions are turned into a formal report that feeds into decisions made by the council. All of the panel's recommendations are taken seriously and are a formal part of the planning process. Experience or knowledge in planning or architecture is not required to be on the panel, and Southwark councillors and employees are not eligible to apply.

The panel will initially run for a year to start with. At the end of the year, everyone will have the opportunity to decide if they want to carry on being involved. An independent company, Frame Projects, is responsible for recruiting and managing the panel. Frame Projects will ensure the panel is independent; properly briefed and able to effectively communicate its views to the council. This type of consultation is separate to this Charter, but applicants are encouraged to consult this panel when preparing an application in the Old Kent Road, and this is something that can be mentioned in the Pre-Submission Engagement Plan.

Equalities Impact Assessment

Equality and diversity is about the whole population; we all have one or more protected characteristics with similar and different needs; experiencing differential and sometimes adverse impacts as a result of a development proposal or plan. Consultation and engagement can contribute to key information in finding out about different needs and experiences of local communities. These will be key to undertaking an effective **Equalities Impact Assessment**.

Developers must engage with those from hard-to-reach groups to ensure populations representative of the application site and its neighbourhood are considered by the application and as part of the consultation process. This includes residents and visitors to the area who have protected characteristics.

As set out in the Statement of Community Involvement (SCI), the Public Sector Equalities Duty (PSED) does not apply to developers. However, to be compliant with the SCI and this Charter, we require developers to support the council in meeting and discharging this important duty. For developers, this means producing a proportionate Equalities Impact Assessment of the impacts of the development. It must illustrate how the proposal will remove or minimise disadvantages suffered by people due to their protected characteristics, and what steps have been taken to meet the needs of people from protected groups where these are different from the needs of other people. It should also detail positive equalities impacts.

The role of the planning officer

Officers will do the following when determining a planning application:

Stage 1 **Have due regard to those with protected characteristics**

- Define and/or review protected characteristics engaged by the application
- Assess how those with protected characteristics are impacted: positive, negative, neutral.
 - E.g. if neutral - There are no specific impacts on protected characteristics and therefore no mitigation impact is required.
- If negative, how will these impacts be mitigated?

This assessment of equalities impacts should be proportionate to the type and scale of the proposed development.

Stage 2 **Promoting equality**

Identify and promote opportunities to advance equality through the proposed development for those with protected characteristics. Understand needs of protected characteristics (specific or universal) Opportunities should be proportionate to the scale and type of the proposed development.

We will deliver equalities training for planning officers to guide them through how to assess the application, what to look for and how to support the applicant in mitigation.

For certain schemes, meeting specific criteria, applicants will be required to meet additional requirements to give proper consideration to equalities issues.

Where applicable, it is a validation requirement to submit an Equalities Impact Assessment that includes evidence that the application has had due regard to the impacts on those with protected characteristics, and promoted equality. This will be monitored to ensure applications are compliant.

The role of the developer

The Public Sector Equalities Duty (PSED) does not apply to developers or applicants. However developers should take a positive role in assisting the council in meeting the duty through their planning applications. Therefore we require additional documentation to be submitted that evidences how developers have identified, promoted and advanced opportunities for equality.

How can developers advance opportunities for equality?

- Have regard to Southwark's borough and neighbourhood population and data
- Define and address opportunities in the design process
- Built form and public spaces
- Consider transport and movement
- Land use mix (e.g. opportunities for small businesses)
- Consideration of existing businesses that may be displaced by development
- Pre-submission consultation and planning application consultation may develop a greater understanding of local demand and opportunity.
- Pre-application meetings
- Employment and training opportunities

Requirements for Developers

- **Stage 1:** Best practice before a planning application is submitted - Pre-application stage
- **Stage 2:** At the submission of a planning application stage
- **Stage 3:** After a planning application has been approved - Post-application stage

Stage 1: Best practice that a developer should undertake before submitting a planning application		Minor Council-own applications*	Major applications	Strategic applications - lower range	Strategic applications - higher range
Normal circumstances	Alternatives in exceptional circumstances				
Prepare a Pre-Submission Engagement Plan for each stage of consultation, and include an evidenced based analysis of the site and context	Prepare a Pre-Submission Engagement Plan for each stage of consultation, and include an evidenced based analysis of the site and context	√	√	√	√
Display a notice / board at the application site, which includes images of the proposed scheme and contact details of the developer	Display a notice / board at the application site, which includes images of the proposed scheme and contact details of the developer	√	√	√	√
A leaflet drop with a follow-up door-knock to those within close proximity to the site (including images of the proposed scheme, contact details of the developer and how to make comments on the proposal to the developer)	Developer to send Neighbourhood Letters to those within close proximity to the site (including images of the proposed scheme, contact details of the developer and how to make comments on the proposal to the developer)	√	√	√	√
Computer Generated Images/ 3D modelling A video presentation of the site and the proposed scheme should be available on the developer's website where possible	Computer Generated Images/ 3D modelling A video presentation of the site and the proposed scheme should be available on the developer's website where possible		√	√	√

Best practice that a developer should undertake before submitting a planning application		Minor Council-own applications*	Major applications	Strategic applications - lower range	Strategic applications - higher range
Normal circumstances	Alternatives in exceptional circumstances				
Planning officers may advise developers who will need to be consulted	Planning officers may advise developers who will need to be consulted	√	√	√	√
Consider the council's Climate Change Strategy and Movement Plan	Consider the council's Climate Change Strategy and Movement Plan	√	√	√	√
Present the proposed scheme to the Design Review Panel (if required)	Present the proposed scheme to the Design Review Panel (if required)		√	√	√
Public consultation workshops as agreed in Pre-Submission Engagement Plan	Use online surveys and digital tools to find out the views of the community. For those who do not have access to the internet and cannot complete an online survey, the developer should complete the survey over the phone with the resident. Contact details for the developer should be provided on Neighbourhood Letters/Leaflets.		√	√	√
Meetings with local residents, any relevant groups including community / resident groups, businesses and other stakeholders	Meetings with relevant groups including community / resident groups, businesses, and other stakeholders via video-conference software (e.g. Zoom, Microsoft Teams)			√	√
Developers set up website providing details and images of the proposal	Developers set up website providing details and images of the proposal			√	√
Set out approach to utilities (water, broadband, energy)	Set out approach to utilities (water, broadband, energy)				√

Stage 2: Required steps that a developer must undertake with the submission of their planning application		Minor Council-own applications*	Major applications	Strategic applications - lower range	Strategic applications- higher range
Normal circumstances	Alternatives in exceptional circumstances				
Submit an Engagement Summary that includes the summary of the Pre-Submission Engagement Plan, including how the developer responded - a 'You said, We did'	Submit an Engagement Summary that includes the summary of the Pre-Submission Engagement Plan, including how the developer responded - a 'You said, We did'	√	√	√	√
Submit an Engagement Plan for further engagement through the planning application process	Submit an Engagement Plan for further engagement through the planning application process	√	√	√	√
Construction boards (hoardings) displayed	Construction boards (hoardings) displayed where relevant	√	√	√	√
Leaflet drop (and/or at pre-app stage)	Neighbourhood Letters to those within close proximity of the site. This should include the contact details of the developer	√	√	√	√
Computer Generated Images/ 3D modelling	Computer Generated Images/ 3D modelling A video presentation of the site and the proposed scheme should be available on the developer's website where possible	√	√	√	√
Consider the council's Climate Change Strategy and Movement Plan	Consider the council's Climate Change Strategy and Movement Plan	√	√	√	√
Present the submitted scheme to the Design Review Panel (if required)	Present the submitted scheme to the Design Review Panel via video-conference software (if required)	√	√	√	√

Required steps that a developer must undertake with the submission of their planning application		Minor Council-own applications*	Major applications	Strategic applications - lower range	Strategic applications - higher range
Normal circumstances	Alternatives in exceptional circumstances				
Public consultation workshops and A public community meeting Attend a Multi-ward Forum if requested by the council (For Strategic Applications only)	Use online surveys and digital tools to find out the views of the community. For those who do not have access to the internet and cannot complete an online survey, the developer should complete the survey over the phone with the resident. Contact details for the developer should be provided on Neighbourhood Letters/Leaflets.		√	√	√
Feedback to people on how they have shaped development from: • Multiple public consultation workshops ; and • A public community meeting	Provide detailed feedback on how they have shaped the development: • Update the website • Where possible, use visuals and images that demonstrate changes to the development			√	√
Developers keep development website up-to-date	Developers keep development website up-to-date			√	√
Equalities Impact Assessment	An Equalities Impact Assessment should be submitted proportionate to the development type	√	√	√	√
Submit a 3D model file for use in VU.CITY (FBX file, 1:1 scale and details of program modelled in)	Submit a 3D model file for use in VU.CITY (FBX file, 1:1 scale and details of program modelled in)				√

Stage 3: Best practice that a developer must undertake after a planning application has been approved		Minor Council-own applications*	Major applications	Strategic applications - lower range	Strategic applications - higher range
Normal circumstances	Alternatives in exceptional circumstances				
Construction boards (hoardings) displayed on site with updates on progress and contact details for the site manager	Construction boards (hoardings) displayed on site with updates on progress and contact details for the site manager Information is also to be updated on the website	√	√	√	√
Website with the progress updates by developer	Website with progress updates by developer			√	√
Where applicable, comply with any Construction Environment Management Plan that is secured through by condition on the decision notice or a S106 obligation	Where applicable, comply any with Construction Environment Management Plan that is secured through by condition on the decision notice or a S106 obligation		√	√	√

* With the exception of Council owned Hidden Homes schemes, as these are conversions in existing developments, and are exempt from this degree of consultation. Hidden Homes could include new homes created from unused or underused space within existing estates.

Validation requirements

Pre-Submission Engagement Plan

The Pre-submission Engagement Plan is a requirement for pre-application discussions. The type of engagement with the public to be carried out before to submission of an application may be agreed between the council and the developer at pre-application stage. It must include:

- The meetings, events and public consultation methods proposed before a planning application is submitted; and
- A summary of the research of site and context analysis including: demographics, heritage and cultural considerations, community role and facilities, sustainability and climate change considerations, transport and highways. See Page 6 of this Charter for further detail; and
- Ways to feedback responses during this stage of consultation.

Engagement Plan

The Engagement Plan is a validation requirement at submission stage. It must outline the next stage of public consultation for the planning application, and draw on the findings of pre-submission engagement. It must include:

- The meetings and public consultation proposed; and
- Ways to feedback responses during the consultation.

Engagement Summary

The Engagement Summary is a validation requirement at submission stage. It must include:

1. A detailed summary of the meetings, public consultation events and consultation methods that has been undertaken or used before the application was submitted. (Date, Attendees, Feedback)
2. A summary of the research of site and context analysis including:
 - demographic context:
 - Who occupies the site? Will they need to be relocated? On what basis? Will they be expected to return?
 - Due regard to how the development might impact people differently depending on their race, Age, gender reassignment, disability, sexual orientation, religion or belief, or sex.
 - How the development fosters good relations between different groups in the community.
 - Are there neighbours in close proximity?
 - heritage and cultural considerations,
 - community role and facilities,
 - sustainability and climate change considerations,
 - transport and highways.
 - Summary of how Community Investment Plans have been consideredSee Page 6 of this Charter for further detail.
3. A public consultation summary of support and of objections, and how any objections have been responded to - a 'You said, We did'. This will be used to inform officer and committee reports.

4. A Social Value Statement. This should describe the economic, social and environmental impacts of the development, how the development will contribute to the long-term wellbeing and resilience of existing and future residents and businesses. This should take into account feedback gathered from the community and which reflects the diversity and demographics of the local area.

Equalities Impact Assessment

An Equalities Impact Assessment is a validation requirement at submission stage. The document must show how the planning application promotes equality, **identifies any negative equalities impacts and details actions to reduce any identified impact, and details positive equalities impacts.**

Monitoring the Developer Consultation Charter

- A completed Engagement Summary must be completed by the applicant and submitted with their planning application. This is a validation requirement and the planning application will remain invalid until it has been submitted. The Engagement Summary will be made public on our Planning Register website alongside the planning application.
- Applications that submit a good practice Engagement Summary will be placed on our planning website with a link to the full application on the Planning Register to promote good practice.
- We will monitor the number of Engagement Plans and Summaries that we receive.
- The submission of an Engagement Plan, Engagement Summary and Equalities Assessment will be monitored at validation stage.
- We will review the development consultation process including best practice guidance.