

**CEO DECISION – CD 189**

**Title: Planning guidance and neighbourhood planning consultations, assessments and adoption activities**

**Executive summary**

Approval is sought for expenditure for a series of activities to support the development of supplementary planning documents, neighbourhood planning designations and necessary updates to the Statement of Community Involvement which sets out OPDC's commitments and expectations for planning consultations.

These activities comprise of consultation, publication and adoption activities; use of OPDC's Community Review Group and Place Review Group, in addition to the appointment of consultants to support development of evidence base and assessments.

**Decision**

That the Chief Executive Officer approves:

- i. expenditure of up to £115,000 across the 2022/23 and 2023/24 Planning Policy budget for consultation, designation, adoption, evidence base and review of various activities, with the commitment of expenditure in 2023/24 subject to approval of the Mayor's consolidated Budget in February 2023.

**Chief Executive Officer**

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC's priorities and has my approval.

**Signature:**



**Date:** 9 December 2022

## **PART 1: NON-CONFIDENTIAL FACTS AND ADVICE**

### **Background and context**

#### Supplementary Planning Documents

- 1.1 In June 2022, OPDC adopted its Local Plan. OPDC, as local planning authority, is now progressing a series of supplementary planning documents (SPDs) to provide further detailed guidance to the Local Plan policies. The SPDs comprise the following:
  - Planning Obligations SPD;
  - Industrial SPD;
  - Public Realm and Green Infrastructure SPD; and
  - Old Oak West SPD.
- 1.2 The development of these documents will entail the following activities:
  - delivery of comprehensive and inclusive consultation activities to inform their content;
  - review by OPDC's Community Review Group and Place Review Group;
  - publication of the activities to publicise the adoption of the SPDs and provide access to the SPDs at local locations including libraries; and
  - activities needed in advance of and to support the adoption of SPDs.
- 1.3 The extent and type of consultation activities that will be carried out will be in accordance with OPDC's Statement of Community Involvement and Engagement Strategy.
- 1.4 Specifically for the Old Oak West SPD, given the spatial nature of this SPD, an Integrated Impact Assessment (IIA) is proposed to be carried out to assess the impact of the proposals in relation to sustainability, equalities, health and habitats. This will build on the IIA carried out for OPDC's Local Plan.
- 1.5 In the case of the Planning Obligations SPD, further advice is needed to review the representations received to the Planning Obligations SPD related to affordable workspaces and to undertake any updates or addendums to relevant evidence base documents if required. This advice would be sought from the consultancy team who were originally commissioned to prepare the OPDC Affordable Workspace Study. Procurement of consultancy services will be made in accordance with the relevant procurement requirements.

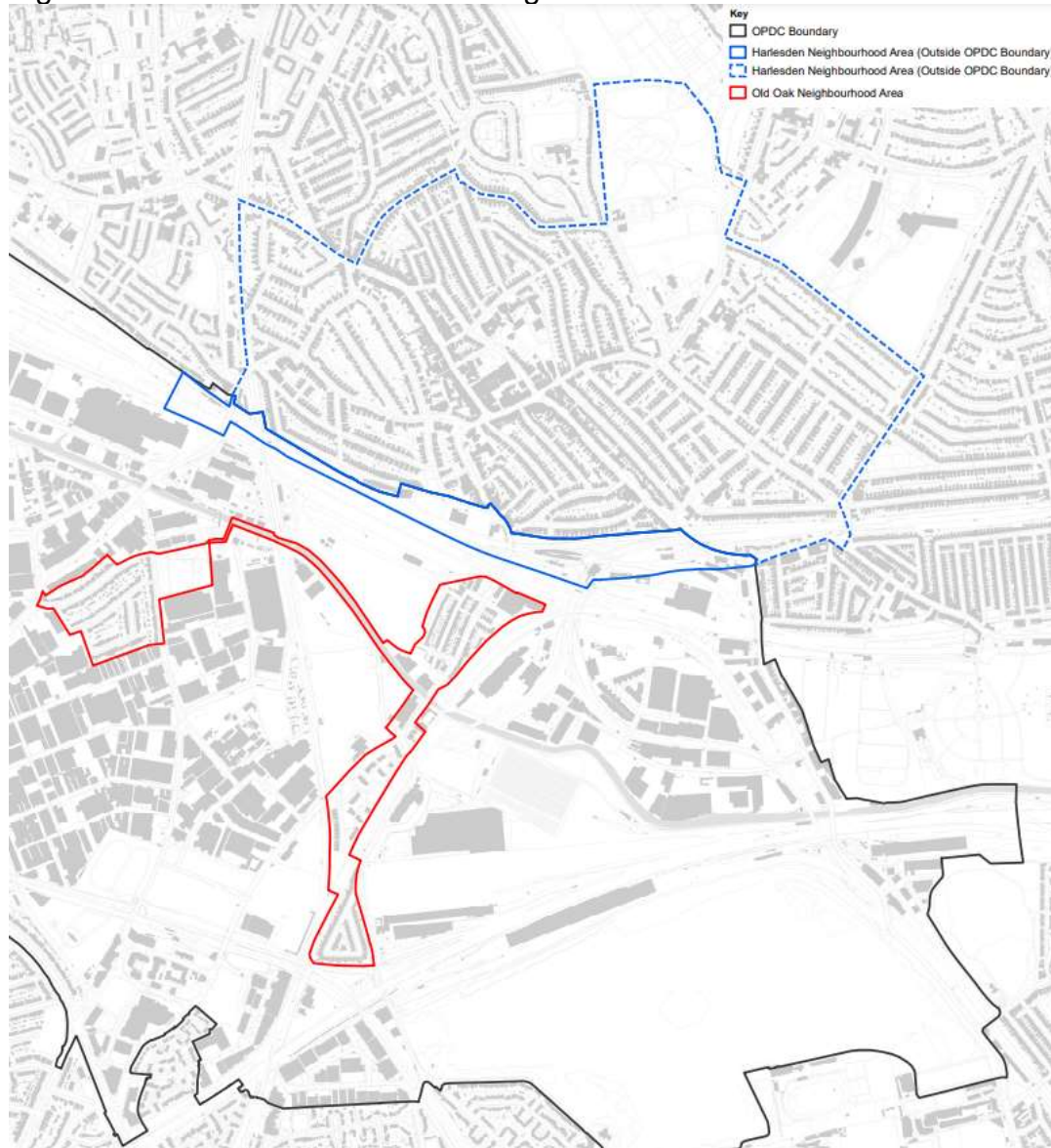
#### Statement of Community Involvement Review

- 1.6 In addition to the SPDs, OPDC is committed to reviewing its Statement of Community Involvement (SCI) every two years. The SCI sets out OPDC's commitments for engaging on planning matters. First published in 2015, the most recent version was updated in November 2020 to reflect the need for remote engagement as a result of the COVID-19 pandemic.

## Neighbourhood Planning

- 1.7 As a local planning authority, OPDC has a role in supporting neighbourhood planning processes. There are two Neighbourhood Forums within the OPDC area comprising the Old Oak Neighbourhood Forum and the Harlesden Neighbourhood Forum. Their boundaries are shown in figure 1.

Figure 1: Old Oak and Harlesden Neighbourhood Areas.



- 1.8 Old Oak Neighbourhood Forum (the Forum) was designated on 9 February 2018. The Town and Country Planning Act 1990 as amended states that a Neighbourhood Forum designation ceases to have effect at the end of the period of 5 years beginning with the day on which it is made. The Forum will cease to have effect on 9 February 2023.
- 1.9 Officers have confirmed with the Forum that they wish to apply for redesignation. OPDC is required to carry out local consultation activities to inform the redesignation process and to undertake activities to publicise the outcome of the

process. Consultation activities have been approved via a separated Delegated Authority Record.

- 1.10 Harlesden Neighbourhood Forum was redesignated on 4 March 2021. OPDC Officers have liaised with the Forum and understand that the Forum may wish to amend its boundary. Should the Forum submit an application to change its boundary, OPDC is required to carry out local consultation activities to inform the determination process and to undertake activities to publicise the outcome of the process.

## **2. The proposal and how it will be delivered**

### The proposal

- 2.1 A series of activities are required to support the development of supplementary planning documents, neighbourhood planning designations and updates to the Statement of Community Involvement. These comprise:
- consultation and adoption activities for SPDs and the SCI including public notices in local newspapers, hiring of rooms for events, printing of documents and other consultation activities.
  - use of OPDC's Community Review Group and Place Review Group to inform the content of the SPDs.
  - consultation and publication activities for the Forum redesignation application and the potential Harlesden Neighbourhood Area boundary change application. These would include public notices in local newspapers.
  - appointment of external consultants to undertake an Integrated Impact Assessment of the Old Oak West SPD.
  - appointment of external consultants to review the representations received to the Planning Obligations SPD and to undertake any updates or addendums to relevant evidence base documents if required.

### Costs

- 2.2 The associated costs for the above proposals are:
- £10,000 for appointing consultants to undertake work needed in advance of the adoption of the Planning Obligations SPD. This will take place in Q4 of 2022/23.
  - £34,000 for planning guidance and neighbourhood planning designations consultation activities. These will take place Q4 2022/23 to Q3 2023/24.
  - £30,000 for appointing consultants to undertake an Integrated Impact Assessment of planning guidance. This will take place between Q4 2022/23 to Q3 2023/24.
  - £26,000 for community and place reviews of planning guidance. These will take place from Q4 2022/23 to Q3 2023/24.
  - £15,000 for planning guidance and neighbourhood planning designations adoption activities. These will take place Q4 2022/23 to Q4 2023/24.

### **3. Objectives and expected outcomes**

3.1 The objective is to facilitate forthcoming consultation, adoption and assessment activities to support the development of planning guidance and support neighbourhood planning processes.

3.2 The outcomes of the proposal are:

- successful high quality sustainable new developments and open spaces.
- ensuring developments contribute their appropriate share of planning obligations.
- empowered communities shaping the future of the OPDC area.

### **4. Strategic fit**

4.1 Undertaking the defined activities will support a number of existing and future OPDC workstreams including:

- delivering policies SP2, SP5, SP6, SP8, SP10, DI1 and DI3 within OPDC's Local Plan.
- informing the range of SPDs set out in paragraph 1.1.
- delivering OPDC's Statement of Community Involvement and Engagement Strategic commitments.

### **5. Project governance and assurance**

#### Consultation, publication and adoption activities

5.1 Delivery of consultation, publication and adoption activities will be managed by Planning Policy and Communications and Engagement Officers with oversight from the Director of Planning, Head of Planning Policy and Head of Communications and Strategy.

#### Community and Place Review Groups

5.2 Delivery of these reviews will be lead by the Principal Design Officer in coordination with other planning policy officers.

#### Integrated Impact Assessment

5.3 Suitably qualified external consultants will be procured through a competitive tender process via the TfL Professional Services Framework led by OPDC and managed by TfL in accordance with the OPDC Contracts and Funding Code. Consultants will be shortlisted through selection criteria, including price, Quality and Equalities, and Diversity and Inclusion. OPDC would enter into the contract with the successful bidder.

- 5.4 The contract will be managed by the Principal Planning Policy Officer with oversight from the Director of Planning and Head of Planning Policy.

External consultancy support for Planning Obligations SPD

- 5.5 The external consultancy advice would be subject to a single source justification being agreed and any contract would be managed by the Senior Planning Policy Officer with oversight from the Director of Planning and Head of Planning Policy.

*Risks and issues*

- 5.6 Delays in securing the above defined activities will impact on the timeline for producing planning guidance, updates to the SCI and the ability for OPDC to meet statutory timeframes for determining neighbourhood planning applications.
- 5.7 Poor quality Integrated Impact Assessment outputs will affect OPDC's ability to ensure the Old Oak West is appropriately assessed. OPDC will seek a suitably qualified consultancy team with the necessary expertise and experience. Project management by the OPDC will manage risks associated with quality control.

**6. Equality comments**

- 6.1 OPDC must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.<sup>1</sup>
- 6.2 The activities will facilitate a comprehensive and inclusive consultation process that maximises opportunities for people to engage and shape with the above planning activities. The activities will utilise a range of different engagement processes and media. These will include in-person and online events and avenues to provide comments. Events will be held in accessible locations at different times of the week and day to facilitate access. Consultation materials are available to translated and officers will be at hand at events with visual translation software to support accessibility. Supporting the neighbourhood planning processes will empower local communities to shape their neighbourhoods.

**7. Other considerations**

- 7.1 There are no other considerations that need to be considered in the taking of this decision.

**8. Conflicts of interest**

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The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Fulfilling this duty involves having due regard to: the need to remove or minimise any disadvantage suffered by those who share a protected characteristic or one that is connected to that characteristic; taking steps to meet the different needs of such people; and encouraging them to participate in public life or in any other activity where their participation is disproportionately low. Compliance with the Equality Act may involve treating people with a protected characteristic more favourably than those without the characteristic. The duty must be exercised with an open mind and at the time a Decision is taken in the exercise of the OPDC's functions.

- 8.1 No one involved in the preparation or clearance of this Form, or its substantive proposal, has any conflict of interest.

## 9. Financial comments

- 9.1 Total expenditure of £115,000 to be funded by the 2022/23 and 2023/24 Planning Policy budgets. On a more specific workstream basis, based on the activity schedule outlines in 2.2 above, this is presently estimated to be recognised between the two financial years as follows:

Activity	Timeframe	2022/23 apportionment	2023/24 apportionment	Total
Consultancy work for Planning obligations SPD	Q4 2022/23	£10,000	-	£10,000
Planning guidance/ neighbourhood planning	Q4 2022/23 to Q3 2023/24	£8,500	£25,500	£34,000
Integrated Impact Assessment	Q4 2022/23 to Q3 2023/24	£7,500	£22,500	£30,000
Community and place reviews	Q4 2022/23 to Q3 2023/24	£8,000	£18,000	£26,000
Planning guidance	Q4 2022/23 to Q4 2023/24	£3,000	£12,000	£15,000
		<b>£37,000</b>	<b>£78,000</b>	<b>£115,000</b>

- 9.2 Any additional expenditure not contained in the above will be subject to the Corporation's financial and governance procedures.

## 10. Legal comments

- 10.1 The foregoing sections of this report indicate that the decisions requested of the Chief Executive Officer concern the exercise of the OPDC's general powers, falling within the OPDC's statutory powers to do such things considered to further or that are facilitative of, or conducive or incidental to, the promotion of economic development and wealth creation, social development or improvement of the environment, in Greater London.
- 10.2 In implementing the proposals in respect of which a decision is sought, officers should comply with the OPDC's related statutory duties to:

- pay due regard to the principle that there should be equality of opportunity for all people
- consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom
- consult with appropriate bodies.

- 10.3 In taking the decisions requested, as noted in section 6 above, the Chief Executive Officer must have due regard to the Public Sector Equality Duty under section 149 of the Equality Act 2010, namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sex, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment) and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. To this end, the Chief Executive Officer should have particular regard to section 6 (above) of this report.
- 10.4 Section 1 of this report indicates that part of the sought budget will amount to the provision of grant funding, in addition to the payment for services. Officers must ensure that the funding is distributed fairly; transparently; in accordance with the OPDC's equality policy and subsidy control rules; and in a manner that affords value for money in accordance with the OPDC Contracts and Funding Code. Officers must ensure that an appropriate funding agreement is put in place and executed by the OPDC and the recipient before any commitment to funding is made.

## Summary timeline

Consultation and adoption activities for SPDs and the SCI	between January 2023 and December 2023
OPDC's Community Review Group and Place Review Group	between January 2023 and September 2023
Consultation and publication activities for neighbourhood planning	between January 2023 and December 2023
Integrated Impact Assessment of the Old Oak West	Between January 2023 and December 2023
Further advice for Planning Obligations SPD	Between December 2022 – May 2023

## Appendices

- None

### **Other supporting papers**

- None

## PUBLIC ACCESS TO INFORMATION

Information in this Form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA). OPDC aims to publish the Form within three working days of approval.

If immediate publication risks compromising the implementation of the Decision (for example, impacting a procurement process), it can be deferred until a specific date (when it will be published). Deferral periods are kept to the shortest length strictly necessary.

### Part 1 – Deferral

Publication of this Part 1 is to be deferred: **Yes**

The deferral is until: 31 January 2023

This is because: This decision includes a budget for procuring consultants and could impact the procurement process. This decision should not be published until the consultant has been appointed.

### Part 2 – Confidential information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in or attached to any separate Part 2 Form, together with the rationale for withholding the information at this time.

There is a separate and confidential Part 2 Form: **No**

## DECLARATIONS

**Drafting officer:** [Peter Farnham](#) has drafted this Form in accordance with OPDC procedures, including for handling conflicts of interests, and confirm that: ☒

**Advice:** The Finance and Legal teams have commented on the proposal. ☒

## CONFIRMATIONS

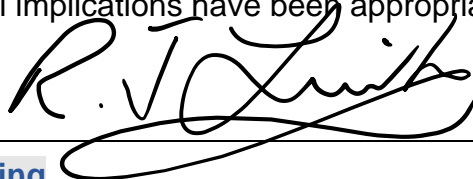
**Section 106 funding:** This use of S106 to fund the expenditure proposal was approved via a Section 106 spend proposal form on [N/A](#)

**SMT review:** This Decision was circulated to the **Senior Management Team** for review on [Monday 5 December 2022](#).

### Chief Finance Officer

Financial and legal implications have been appropriately considered in the preparation of this Form.

**Signature:**

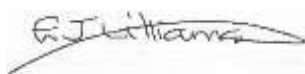


**Date:** 8/12/2022

### Director of Planning

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC's priorities and can be referred to the CEO for final approval.

**Signature:**



**Date:** 08.12.2022