

Consultation and Engagement

Was the consultation carried out during the preparation of the Plan in accordance with relevant legislation, and did it involve early and meaningful engagement and collaboration with the community, local authorities, organisations and businesses?

Relevant Legislation: Matters of Strategic Importance to Greater London

Cumulative, but spatially dispersed phenomena and effects are important. Furthermore, phenomena and effects can interact as synergies to produce a total effect greater than the sum of the individual effects. Such occurrences are required to be assessed in the Strategic Environmental Assessment/Sustainability Assessment process and are, therefore, recognised in plan-making. Matters that may be spatially scattered throughout London or have consequences for dispersed population sectors may nevertheless be of strategic importance to London and to Londoners by virtue of their cumulative and/or synergistic nature. To illustrate, the most deprived Areas of Multiple Deprivation despite their fragmented and dispersed character are of significance that warrants appropriate remedying through the London Plan. Londoners living in poverty are found across London and are not necessarily concentrated in particular locations. The proportion of such Londoners living in poverty at 27% (after housing costs have been taken into account) is of strategic importance (Trust for London London's Poverty Profile 2017).

However, the justification has to be established on a case by case basis and Just Space at the Examination would be prepared to contribute and respond to the debate as appropriate.

Relevant Legislation: Consultation

There is a specific Section entitled Consultation (S32) in the GLA Act 1999 as amended. This Section qualifies the GLA's exercise of power conferred by S30(1). Whilst the Mayor has statutory duties imposed on him/her, e.g. the production of a Spatial Development Strategy for London (S41), the Authority has to exercise its powers, e.g. to prepare that strategy, according to the scope and limitations of statute. The GLA Act S30(1) says that the GLA has the power to do anything which it considers will further any one or more of its principal purposes, namely promoting economic development and wealth creation, promoting social development and the improvement of the environment in Greater London. This Section goes on to qualify this exercise of power by having regard to health, climate change and sustainable development.

It would, therefore, be reasonable to observe that the Authority is entitled to prepare the draft plan given these principal purposes, aligned as they are with the statutory purpose of planning, namely the achievement of sustainable development. However, the exercise of

this power is not unfettered by the GLA Act. Section 32 on Consultation explains that the power conferred by S30(1) is exercisable only after consultation with such bodies or persons as the Authority may consider appropriate and must include... bodies specified in subsection (3), namely, voluntary bodies, different racial, ethnic or national groups, different religious groups and businesses.

Whilst the Authority, in reply to the Panel's Preliminary questions (PQ9), has listed many engagement and consultation events and meetings, those for communities, groups and businesses are in the minority. It is not possible from the list to determine whether the bodies or persons identified in S30(1) above that must be consulted have actually been consulted. For instance, Just Space struggled to secure the presence of a diverse range of community group representatives beyond the token presence that was first arranged at the City for All Workshops in 2016. Consequently, there is presently no certainty that relevant legislation has been complied with.

The Mayor and GLA do not have a deliberate, concerted and proactive programme of consultation for the draft plan that would reach specific groups, diverse communities of geography and of interest with their different backgrounds, needs, values and aspirations. For whom it may be necessary to tailor engagement processes and activities to enable some communities or individuals to fully participate on an equal basis with others. Below, Just Space sets out some aspects of what makes for meaningful engagement and collaboration and makes some proposals to remedy the democratic deficit within Mayoral plan-making and decision taking.

Early and Meaningful Engagement and Collaboration:

This has not happened. The preparation of London Plans has been a process dominated by property development interests, with a reluctance to pay serious attention to community needs. The participation of voluntary sector and community groups has been a fraction of the contribution that could be made. The Mayor has not even produced a Statement of Community Involvement for the London Plan.

He/she should reflect on the Supreme Court's endorsement of basic requirements of a 'fair' consultation exercise, namely the 'Gunning principles', in October 2014 (<http://www.bailii.org/uk/cases/UKSC/2014/56.html>). To be considered fair, consultation should: *"take place when the proposal is still at a formative stage; that sufficient reasons for the proposal be put forward to allow for intelligent consideration and response; that adequate time be given for that consideration and response; and that responses be conscientiously taken into account"*.

Early and Meaningful Engagement and Collaboration

This has to be over a period of time to allow understanding, consideration, debate and the search for consensus. The GLA should have a programme of effective and continuous community engagement that includes:

Community groups involved in the early formative stages of the preparation of the London Plan, working together with planning officers and decision makers in a spirit of co-production. This includes reaching out to community groups who do not play an active part in most consultations.

The resourcing of community groups so they have access to plain language information, networking opportunities and research support. This includes community technical aid from architects, planners, engineers, and other specialists.

That the evidence base studies and impact assessments underpinning the London Plan to be accessible, open for public deliberation and to reflect the real issues on the ground including impacts on health and well-being, equity and on the social and cultural aspects of communities. Community groups to be supported to gather their own evidence through citizen science initiatives (use of technology, participatory mapping and online platforms).

Only then will there be early and meaningful engagement and collaboration.

Community Involvement in Planning

Participation of local communities in any planning activity is crucial for ensuring public support. The rights of local communities to participate are recognized by planning authorities and the courts but in practical terms this is often undertaken too late and involves top-down consultation rather than a genuine effort to have local communities' input in decision making processes. For participation to be effective, it should value local knowledge and experience in the formulation, design, and implementation of any proposal, plan or decision. Thus, it should enable local communities to make informed decisions about the issues that affect their lives, neighbourhoods, and their city as a whole. For effective participation, communities should be involved from the very beginning; treated as equal co-producers of the plan; be provided with a full range of options for development; agree to the criteria by which choices are made; and agree how community views are to be weighted in the decision, or if they are not to be considered given cogent reasons why not.

The London Plan

Just Space has participated in all London Plan Examinations in Public (EiPs) since 2007, for example supporting 64 different representative residents' and public interest groups to present evidence at the 2010 EiP hearings. Some aspects of Just Space proposals have been incorporated into the London Plan as a result; however, Inspectors have been variable in their willingness to admit community-based evidence at this stage. Moreover, while the Mayor has consulted informally with business groups and developers, who together with a

range of institutional stakeholders have had an early role in shaping the Mayor's strategic priorities and direction, there has been no attempt to ensure the early meaningful and effective participation of community groups. The EiP process, while valuable in itself as a quasi-judicial-style hearing on the soundness of the London Plan, is too limited a forum for effective participation. Just Space sets out below how principles of effective participation might be applied to the London Plan preparation process.

Some Key Principles of Effective Community Involvement

Inclusive invitations and out-reach; Regular provision of information and feedback; Continuity, collaboration and co-production; Early Involvement; Presenting realistic and feasible options; Proper assessment of current land uses and the full range of impacts; Transparency and confidentiality; Listening to and acting on: Measuring, monitoring and evaluating the effectiveness of community involvement.

These have been incorporated into Grand Union Alliance's proposed Ground Rules, some of which have been adopted by the Mayoral Development Corporation for Old Oak & Park Royal (Grand Union Alliance - <http://grandunionalliance.wixsite.com/grandunionalliance> ; OPDC: <https://www.london.gov.uk/sites/default/files/opdc-statementofcommunityinvolvement-042017.pdf>)

A Mayoral Statement of Community Involvement (SCI)

This is needed in order to ensure early and meaningful engagement and collaboration. It would apply to:-

- the Mayor's Strategies, Supplementary Planning Guidance (SPG), research and toolkits
- the Planning Frameworks for Opportunity Areas and Regeneration Areas
- the Annual Monitoring Report (AMR)
- major planning applications referred to the Mayor's Decisions Unit;

and would set a strategic expectation for standards of effective community involvement across London's planning system, including boroughs, Mayoral Development Corporations, neighbourhoods and development sites.

The SCI should include: preparation of a database of consultees, and set out how the database will be developed and added to; a statement of engagement methods appropriate to the needs of different groups and different levels of involvement; the resources that will be available to ensure everyone who wishes to have the capacity to participate, such as administrative support and access to technical advice and training [perhaps following the example of technical support for Neighbourhood Planning under the Localism Act]. Monitoring and review of the SCI through the London Plan's monitoring mechanism of Key

Performance Indicators (KPI) and AMR should include a voluntary and community sector perspective.

Early and continuing involvement in London Plan

The GLA should collaborate with London Boroughs to generate an open register of representative groups of residents, and community-based and public interest organisations who should be informed about the London Plan process and involved in early processes of participation and consultation related to its preparation. There should be a level playing field of participation of all stakeholders in the London Plan – stakeholders should have equal access to informing the London Plan preparation process from its earliest stages; to achieve this, appropriate technical support and information, as well as resourcing of community groups, should be provided to enable their effective participation. Effective early public participation in metropolitan strategic planning presents its own challenges of scale and technical knowledge but there are examples of how to achieve this, including: city-wide delegate forums leading on from local public meetings; surveys to canvas public opinion; sector-based or topic-based open meetings; high level meetings with key stakeholders across all sectors; orchestrated city-wide early consultation on priorities to feed directly into the planning process; general public meetings for information; Inclusive Management processes e.g. stakeholder steering committee that includes representatives of different interests across sectors and areas to inform the planning process and enable ongoing debate of priorities throughout the process.

Planning Decisions

Statements of Public Consultation should be submitted with development proposals and should explain how the principles of effective involvement have engaged communities and relevant user groups, and how the results have been integrated into the proposed development. Relevant community and user groups should be enabled to submit their own statements regarding public consultation on development applications.

Just Space considers that community participation and the facilitation of the localism agenda an essential strategic issue for the Mayor and the London Assembly. It is a London-wide issue not just about process, but is a policy and institutional issue on which the legitimacy of plans and decisions depends.