

LOCAL PLAN CONSULTATION ARRANGEMENTS

Summary: To agree the period and process of Regulation 19 Local Plan consultation

Options considered: The consultation process at this stage of plan preparation is regulated and must also comply with an adopted Statement of Community Involvement (SCI). Commencing consultation prior to and over the Christmas period was considered but is not recommended to ensure maximum opportunity for effective engagement.

Conclusions: That Local Plan Regulation 19 consultation should commence on Monday 10th of January 2022.

Recommendations: **That subject to Working Party endorsement of Plan content in December, Cabinet resolves to agree the Communications & Engagement Plan as the basis for conducting Regulation 19 public consultation on the Draft Local Plan and supporting documents.**

Reasons for Recommendations: To expedite the preparation and adoption of a new Local Plan for the District.

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(Papers relied on to write the report, which do not contain exempt information and which are not published elsewhere)

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| None |
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| Cabinet Member(s) Cllr J Toye Cllr Andrew Brown | Ward(s) affected All |
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| Contact Officer, telephone number and email: Mark Ashwell, 01263 516325, Mark.ashwell@north-norfolk.gov.uk |
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1. Introduction

1.1 This report presents a programme of community engagement for the Draft Local Plan Consultation. The report details what work has already been undertaken, what we are required to do in the plan making regulations, and what we propose to do in order that those with an interest in the Local Plan

have the opportunity to engage in this important stage of the process and are suitably informed.

2. Background

- 2.1 The way in which Local Plans are to be prepared is specified in regulations. There are two specific regulatory stages of public consultation referred to as Regulation 18 and Regulation 19.
- 2.2 The Local Plan review was initiated in May 2015. A number of consultation events took place at the time as part of the launch, including an 8-week Regulation 18¹ consultation entitled 'Subjects of the Local Plan'. The principle purpose of that consultation was to *notify* specific consultees of the Council's intention to prepare a Local Plan and to invite representations as to which subjects the Local Plan should address. This was a high-level consultation which did not, at that stage, include any details of proposed policies.

Regulation 18: First Draft Local Plan

- 2.3 A second period of formal public consultation took place over an eight-week period in May and June of 2019. This sought feedback from the community and statutory consultees regarding the emerging content of the First Draft Local Plan and presented drafts of the proposed policies, provisional preferred development sites in the selected settlements together with details of all the alternatives considered. As well as the Draft Plan and alternative options, the Council published a large number of supporting documents including a comprehensive library of evidence and a number of background papers explaining various aspects of the Plan.
- 2.4 Over the last 18 months the Planning Policy and Built Heritage Working Party has considered the representations made and a substantially modified version of the Plan, which responds to consultation results has been produced. The final content relating to sites is timetabled to be agreed at the Working Party meeting in December following receipt of an updated Viability Assessment² and final Habitats Regulation Assessment.

3. Regulation 19: What we are now required to do?

- 3.1 This stage of Plan making is prescribed through legislation, namely Regulations 19 of the legislation³. Local Plan consultation is informed by an adopted Statement of Community Involvement (SCI). This lays down the ground rules for public engagement, both when preparing Local Plans and

¹ Regulation 18 - The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

² For a Plan to be found sound there must be a good prospect of its policies and proposals being viable based on up-to-date viability assessment.

³ The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

when dealing with planning applications, and is informed by national policy and legislative processes. The latest and most up to date SCI was adopted by Cabinet on 5 January 2016. **This is the adopted document that guides officers, members of the public and the Planning Inspectorate** around the level of engagement the Council will undertake. **The engagement programme outlined in this report is designed to meet and exceed the objectives of the SCI and to ensure we obtain as much constructive feedback from the community as possible, having regard to staff and financial resource constraints.**

3.2 At Regulation 19 stage the Council has produced a Plan which it considers meets the formal tests of soundness and is suitable for submission for independent examination. The Council is essentially saying that subject to successful examination, it is the intention to adopt this version of the Plan. Prior to this examination, the Plan is subject to public consultation and interested parties are invited to comment on the **soundness** and **legal compliance** of the Plan, and if thought unsound, how it should be modified. Representations made at this stage are considered by an Independent Inspector rather than the Council, although if the Council considers further changes are desirable it can invite the Inspector to incorporate a list of scheduled modifications. If substantial issues are raised the Council would need to withdraw the Plan from Inspection, make changes, consult further, and then resubmit.

3.3 It is important to note that at this stage the representations made must relate to the soundness and legality of the Plan. This means that those making representations must state why the Plan is unsound or unlawful and how it should be modified. The soundness tests are:

- has the plan been positively prepared;
- is it justified by proportionate evidence;
- will it be effective; and,
- is it consistent with national policy.

4. Communication & Engagement Plan - Draft Reg 19 Plan Submission Consultation

4.1 The proposed approach to consultation and engagement is divided into three areas:

- a) promotion before and during the consultation period
- b) document production and availability
- c) consultation process

a) promotion before and during the consultation period

4.2 The consultation will be promoted by officers and the Council's communication team through a variety of potential methods including media releases, social

media, the use of newsletters, posters and events in person. The details are outlined in the following table:

Table 1 - Proposed Reg 19 Consultation Arrangements Promotion

| Promotion Task (Intended) | Involving | Proposed implementation |
|---|--|---|
| Launch Events | <ul style="list-style-type: none"> Members Briefing – All Members offered the opportunity of a briefing to explain the highlights of the Local Plan and the consultation arrangements. | Late Dec/Early January - date TBC |
| Local Plan Newsletter (Task 1) | <ul style="list-style-type: none"> All our Consultee Database (including all Parish & Town Councils and all Members) advising of consultation dates and arrangements. | Mid Dec |
| Targeted Letters | <p>The Consultation Database contains details of those individuals and interested parties that have registered and or engaged to date to receive direct updates such as developers, agents, local interest groups and members of the public (currently 2000 individuals and organisations). It also includes organisations representing a range of those considered harder to engage and all of the statutory bodies.</p> <p>Targeted letters / statutory notices with relevant information will be sent advising of the start, duration and how to be involved in the consultation.</p> | Start of consultation |
| News Release Comms Team to issue 2 x news releases prior to and during the consultation | <ul style="list-style-type: none"> EDP, North Norfolk News, Fakenham & Wells Times, Fakenham Sun Radio Norfolk, Heart, North Norfolk Radio, KLFM Look East, Anglia News, That's TV Norfolk Just Cromer, Just Holt, Just North Walsham, Just Sheringham, Just Wroxham & Coltishall, North Norfolk Post, Cromer Times, NW Times, Holt Chronicle, Sheringham Independent, Norfolk On My Mind Town & Country News | 1) Mid Dec 2) 2 weeks prior to close of consultation |
| Paid Advertising Sponsored Ads Comms Team | <ul style="list-style-type: none"> Facebook / Instagram (may be seen by a younger audience + local organisations) | Mid Dec/early Jan |
| Consultation Notice / Poster Distributed to P&TCs + Members for placement in the locality. | <ul style="list-style-type: none"> Parish notice boards / parish meetings | Mid Dec |
| Social Media NNDC posts throughout the consultation period | <ul style="list-style-type: none"> Facebook / Instagram Twitter | Mid Dec/early Jan |
| Other information outlets to be utilised | <ul style="list-style-type: none"> NNDC Home Page Staff Intranet Members Bulletin | Throughout consultation |

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| | <ul style="list-style-type: none"> • NNDC Local Plan Web Page • NNDC News Page • NNDC 'Council Consultations' web page | |
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b) Document production and availability

4.3 The consultation includes a number of prescribed statutory documents, associated policies mapping (online map) which illustrates the policies in the Plan, further background papers and supporting evidence. It is not practical or cost effective to print and provide hard copies of all material. The consultation documents are written and published using a bespoke online publishing software and Consultation Portal and in the case of the updated policies mapping is GIS based and only available on line. In-line with this, modern working practice, efficiency and as advised in the National Planning Policy Framework, consultation responses will be encouraged through the online portal. All electronic documents will be available on the council's website. However, a number of hard copies of the main statutory consultation documents will be produced. Those unable to respond online and opting to make paper representations will be enabled to do so.

4.4 The details of physical consultation materials are outlined in the table below:

Table 2 - Proposed Consultation Materials

| Document | Details |
|------------------------------------|--|
| Main Consultation Documents | <p>All of the proposed submission documents will be made available to enable representations to come forward that can be considered at examination. Copies of main consultation documents will be printed and made available at advertised consultation points, which typically includes public libraries and Council offices in and around the District. For the avoidance of doubt the main submission documents are:</p> <ul style="list-style-type: none"> • Local Plan Proposed Submission Version (Publication Stage) Regulation 19 • Sustainability Appraisal • Habitat Assessment • Consultation Statement • Policies Map (online only) |
| Newsletter | <p>Primarily distributed by email / online. Copies will be printed and distributed to:</p> <ul style="list-style-type: none"> • Members • Libraries (including Mobile Libraries where in service) • Council Offices |

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| Comments Form | Those wishing to make comments will be directed to the online method. Copies of paper representation forms will be available on request at Council offices, libraries and by post on request. |
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6. Other Considerations

Consultation Period

- 6.1 It is proposed that the consultation period lasts for six weeks in line with regulatory requirements. Officers are currently working to a commencement date of 10th January 2022.

7. Making Representations & GDPR

- 7.1 The introduction of the General Data Protection Regulation (GDPR) in May 2018 established a clear expectation that a valid lawful basis is demonstrated in order to process personal data. In regards to submitting representations this means any data that identifies an individual, for example name and address data, email, or potentially the content of their representation. This includes the identification of individuals representing organisations.
- 7.2 Personal data processed by the Council through the submission of representations is considered to meet the lawful basis of:
- (e) Public task: the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- 7.3 Where specific consent is obtained:
- (a) Consent: the individual has given clear consent for you to process their personal data for a specific purpose.
- 7.4 Any data processed should be necessary, meaning that if the Council can reasonably achieve the same purpose without the processing, then there is no lawful basis.
- 7.5 The Representations Form will include a relevant data protection and privacy policy statement setting out how personal data will be processed.

8 Recommendation

That subject to Working Party endorsement of Plan content in December, Cabinet resolves agree the Communications & Engagement Plan as the basis for conducting Regulation 19 public consultation on the Draft Local Plan and supporting documents.

9 Legal Implications and Risks

- 9.1 The Local Planning Regulations require consultation at this stage of the Local Plan process. A meaningful and well promoted engagement plan strengthens the Council's ability to demonstrate compliance with the NPPF and related conformity tests at the examination stage. The Council is keen to hear views from the public and business sectors in order to help shape a robust Final Local Plan for independent examination.
- 9.2 A recent presentation by the Consultation Institute highlighted examples where Local Planning Authorities (LPA's) have been ruled against in High Court Appeals. The Institute's main message was that following the Regulations is not always enough and there are High Court case law examples where LPA's have been found to have not consulted adequately. The key points are that in undertaking consultation the Council should demonstrably:
- Be open to influence (evidenced by post-consultation reports including officer comments)
 - Give sufficient information (evidenced by implementing a communications and engagement programme and through the content of consultation documents)
 - Give sufficient time (evidenced by meeting the regulations and SCI minimum time requirements)
 - Demonstrate conscious consideration (evidenced by post-consultation reports including officer comments)
 - Must demonstrate alternatives to a proposal (evidenced by the 'Alternatives Considered' document).
- 9.3 The above considerations are based on the 'Gunning Principles' which apply to all UK public consultations and this communications and engagement plan is designed to help mitigate the risks of Local Plan delay due to a failure in the above points.
- 9.4 Once the promotional tasks in this plan have been initiated there is a risk of reputational damage should the Council delay or abandon the consultation.

10 Financial Implications and Risks

Failure to undertake plan preparation in accordance with the regulations and NPPF is likely to render the plan 'unsound' at examination and result in the need to return to earlier stages. Substantial additional costs would be incurred.