

DRAFT LOCAL PLAN – PRE-SUBMISSION VERSION CONSULTATION, COMMUNICATIONS & ENGAGEMENT PLAN

Summary: This report seeks to agree the consultation arrangements for the Pre-Submission Version of the Draft Local Plan.

Recommendations: **That Working Party agree the Communications & Engagement Plan as the basis for conducting Regulation 19 public consultation on the Draft Local Plan and supporting documents.**

Cabinet Member(s)	Ward(s) affected
All Members	All Wards

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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 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.

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

- 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 larger towns and four selected villages (Mundesley, Ludham, Briston and Blakeney) 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 responding to consultation comments has been produced.

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

- 3.1 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 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 is possible within 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 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 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 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 on 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 to receive direct updates such as developers and agents (currently 1750 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 send 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
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
Other information outlets to be utilised	<ul style="list-style-type: none"> • NNDC Home Page • Staff Intranet • Members Bulletin • NNDC Local Plan Web Page • NNDC News Page • NNDC 'Council Consultations' web page 	Throughout consultation

b) Document production and availability

4.3 The consultation includes a number of statutory documents and further background papers and supporting evidence. It is not practical or cost effective to print hard copies of all material. The consultation documents are written and published using a bespoke online publishing software and Consultation Portal. 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. A number of hard copy documents however will be produced of the main statutory consultation documents. Those wishing 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	Copies of main consultation documents will be printed and made available at advertised consultation points.
Newsletter	Primarily distributed by email / online. Copies will be printed and distributed to: <ul style="list-style-type: none"> • Members • Libraries (including Mobile Libraries where in service) • Council Offices
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.

6. Other Considerations

Consultation Period

6.1 It is proposed that the consultation period lasts for eight weeks. Officers are currently working to a commencement date of 10th January 2022.

7. Supporting Evidence

- 7.1 It is a legal requirement that at each stage of production the Plan is subject to Habitat Regulation Assessment. This has been completed for each of the earlier drafts and a similar process is required to be undertaken before consultation commences. Now that a final set of policies and site proposals have been agreed, and to reflect the recent changes in the housing market, an up to date Viability Assessment has been commissioned. It is not expected that either of these will necessitate any further significant changes to the Plan.

8 Recommendation

1. That Working Party agree the Communications & Engagement Plan as the basis for conducting Regulation 19 public consultation on the Draft Local Plan and supporting documents with consultation commencing on the 10th of January.

2. That the Working Party delegate any further minor changes to the Plan arising from the Habitat Regulation and Viability Assessments to the Planning Policy Manager in consultation with the Chair of the Working Party.

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

10.1 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.

