Northumberland County Council
Local Plan Core Strategy
Community Engagement Validation Review
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Community Engagement Validation Review

Purpose, Context and Limitations

1. The County Council is preparing a Core Strategy document; a key element of its Local Plan. Section 18 of the Planning and Compulsory Purchase Act 2004 requires “local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications.”

2. Planning Regulations require Councils to contact a range of consultation bodies, including the general public, on an emerging local plan document at certain stages of its preparation and adoption. The Council is also required to publish its response to any representations.

3. These requirements can be found in Town & Country Planning (Local Planning) (England) Regulations 2012. The statutory basis for these Regulations is the Planning & Compulsory Purchase Act 2004. Relevant extracts from the Regulations are provided in the Appendix 1. Legal requirements for engagement with the public are also to be found in the Environmental Assessment (EA) of Plans and the Habitats Regulations (HR), extracts of which are reproduced, respectively, in Appendix 2 and 3.

4. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) set down more specific engagement expectations placed on local planning authorities. Paragraph 155 of the NPPF states that “Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.”

5. NPPG amplifies the engagement challenge. “Local planning authorities will need to identify and engage at an early stage with all those that may be interested in the development or content of the Local Plan, including those groups who may be affected by its proposals but who do not play an active part in most consultations. Those communities contemplating or pursuing a Neighbourhood plan will have a particular interest in the emerging strategy, which will provide the strategic framework for the neighbourhood plan policies. The local planning authority will also need to ensure that it works proactively with other authorities on strategic cross boundary issues in line with the duty to cooperate”.

6. NPPG goes on to advise that “there is considerable flexibility open to local planning authorities in how they carry out the initial stages of plan production, provided they comply with the specific requirements in Regulation 18, and with the commitments in their Statement of Community Involvement. Local planning authorities should always make clear how any consultation fits within the wider Local Plan process.”
7. Planning Regulation 18 (see Appendix 1) sets out specific bodies or persons that a local planning authority must notify and invite representations from in developing its Local Plan. The local planning authority must take into account any representation made, and will need to set out how the main issues raised have been taken into account. It must also consult the Strategic Environmental Assessment consultation bodies on the information and level of detail to include in the sustainability appraisal report.

8. The EA and Habitat Regulations (See Appendices 2 & 3) spell out some specific as well as general engagement requirements, including the statements that “every draft plan or programme … and its accompanying environmental report … shall be made available for the purposes of consultation” and “the plan-making authority must … consult the appropriate nature conservation body and have regard to any representations made by that body. They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate”.

9. The County Council has undertaken three defined stages of consultation and engagement on the proposed content of the Core Strategy. Each period of consultation has involved engagement with consultation bodies, stakeholders, partners and communities across Northumberland.


11. The first two consultation stages were discharged in the context of the Council’s Statement of Community Involvement (SCI) which had been adopted 17 September 2009. Consultation on the Preferred Options – Stage Two document was conducted in the context of both the 2009 SCI and a draft revised SCI. The draft revised Statement incorporated amendments to the original to take account of recent changes to the planning system which had empowered communities in new ways and lessons learnt since the adoption of the 2009 statement.

12. A full record of engagement events and meetings has been prepared. It has been updated routinely.

13. Whilst the Council considers that substantial and sufficient effort has been made to engage both internally within the Council and externally with individuals, communities, and organisations that have an interest in development, it has sought external independent validation of the methods employed.

14. The Council has specifically asked that this review has regard to the reasonable expectations of those consulted and concentrates on the merit and value of the approach undertaken with a particular focus on:

   • The approach to internal (Officer and Member) engagement and input to the preparation of the emerging Core Strategy;
• The extent to which the activities and approach undertaken during the first three periods of consultation were satisfactory, proportionate and appropriate, having regard to policy, guidance and good practice. This should include a review of the extent and suitability of the:
  o consultation and publicity media used (e.g. email, white mail, web-based and direct face-to-face contact);
  o methods and levels of engagement used;
  o materials involved including drop-in session displays; and
  o feedback and response mechanisms used to capture representations; and

• The approach to on-going engagement e.g. with Town and Parish Councils and interest groups.

15. Prior to the adoption of the NPPF, Planning Policy Statement (PPS) 12 set down the some “principles for community engagement”; these were:

  *Appropriate to the level of planning; Front loading – from the outset of plan preparation; Continuous – part of an ongoing programme of community involvement; Transparent and accessible – using methods appropriate to the communities concerned; Planned – as an integral part of the plan making process.*

16. Whilst the PPS has now been withdrawn, the principles remain valid and have been used in this review to reflect on the efforts made by the Council to engage with organisations, interest groups, public bodies and individuals in the course of preparing a Core Strategy for Northumberland.

17. In line with the client’s instructions, the reviewer has not considered the nature and significance of any representations submitted in response to engagement events; nor has he considered engagement arrangements associated with assembling the Local Plan evidence base.

18. The Council’s instructions call for a validation review of engagement processes. They do not allow for any assessment of the outcomes of consultation and engagement events; nor any evaluation of the impact of consultation responses.

19. The reviewer has had access only to readily-available public documents and selected officer working documents in carrying out this review and therefore the views expressed in this report cannot be regarded as a definitive legal opinion.

Legal Compliance

20. Details of the three engagement stages of the Core Strategy process remain available for inspection on the Council’s website. In addition to the consultation document and its supporting documents, there is a full record of all responses. The responses record is capable of being accessed by date received and by question / chapter. The Council has used the Limehouse software package to manage access to information and the submission of responses.
21. The website also provides access to the feedback reports for five Issues and Options engagement events held in 2012 ... Town and Parish Council Workshops (3); Stakeholder Workshop and the Ponteland consultation event.

22. A Sustainability Appraisal (SA) Scoping report was published in May 2012 together with the Issues and Options Sustainability Appraisal. Subsequently, SAs were published to accompany the Preferred Options (Stage One and Two) reports. Habitats Regulations Assessments (HRAs) have also been published at each of the three stages.

23. It is understood that the Council holds a consultation database consisting of ‘specific’, ‘general’ and ‘other’ bodies, as well as individuals who have made representations at one or other stage. No evidence has emerged that brings into question the completeness of this database.

24. A testimony, in part, to the efficacy of the Council’s commitment to engagement is the number of representations received at each formal consultation stage. The Issue and Options consultation prompted 12,600 representations. Preferred Options stage 1 involved 31 drop-in sessions, awareness-raising events and workshops attended by a total of almost 550 people. Over 4,500 written representations were received. At Preferred Options stage 2, almost 1,220 people attended 12 drop-in events and workshops.

25. Given the strategic importance of the Core Strategy, the Council has decided not to proceed directly to the pre-Submission stage but to undertake a further single round of consultation on the full draft Core Strategy.

26. Subject to the limitations of the review (see paragraph 16), the three public engagement events conducted to date, plus the additional draft Core Strategy consultation, can be said to more than satisfy basic legal engagement requirements.

**Officer and Member Engagement**

27. In 2009 a Local Development Framework Member Working Group (MWG) was established to provide officers with a political steer on planning policy matters. Comprehensive notes have been prepared for each meeting and made available for Member inspection. A schedule of issues raised, together with officer responses, was submitted as an appendix to the latest report to the Council’s executive (Policy Board).

28. Over the course of the last 5 years, group meetings have been scheduled to take place on a monthly basis. Adjustments to the programme have been made from time to time to reflect the level of business required to be discussed. There were six meetings in 2009; eight in 2010; 4 in 2011; ten in 2012; six in 2013 and eleven (so far) in 2014. The MWG consists of 10 members (15% of the Council), including representatives of every party.

29. In addition, Member Workshops have been convened in the lead-up to and the aftermath of each formal stage of the process. The workshops have been open to all Members and used as briefing and feedback events. Member feedback is gathered in facilitated break-out discussions on critical issues. Such events provide excellent
opportunities for Members to endorse (or otherwise) emerging policies and proposals as well as influence directly officers and the Policy Board. The most recent workshop provided Members with the opportunity to input to the policy approach in the full draft Core Strategy. Such workshops are regarded as good practice.

30. Each stage of the Core Strategy process has been accompanied by chief officer briefing meetings in addition to numerous inter-departmental working sessions convened by planning policy officers.

31. At each stage of the core strategy at least two briefing bulletins have been published to supplement the organized engagement events.

**Duty to Cooperate**

32. “Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. … Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development”. (NPPF, paragraph 181).

33. Local planning authorities are bound by the duty to cooperate (DtC) on all planning issues that cross administrative boundaries. At the Examination of the Core Strategy, the Inspector will make an early-day assessment of the Council’s performance in the exercise of the duty. Not only will he/she take a view on DtC arrangements but more especially on the outcomes of that cooperation. There are many examples of where Councils have failed to satisfy their Inspector and the Examination has been suspended. In some cases the planning document has been withdrawn.

34. Officers have had a series of meetings with neighbouring authorities and key public bodies, including some at a senior officer level, to expose and evaluate cross-boundary issues. In the remaining stages of the process, the Council will need to reflect carefully on how best this cooperation (including meetings with the Local Economic and Nature Partnerships) can secure outcomes that will demonstrate beyond doubt that the Council has met the government’s aspiration and honoured the specific duty.

**Parish Councils and Neighbourhood Plans Groups**

35. Considerable and commendable effort has been made to inform and engage with Parish Councils. No stage of the plans process has seen less than 6 events for Parish Councils. During consultations on the second Preferred Options event, including the lead up to the publication of the Draft Core Strategy, more than 20 events have taken place. Although most events were arranged for groups of Councils, many meetings were arranged with individual Councils. It is clear from all the material used to record these events that the Council is committed to maintaining an on-going relationship with these particularly important bodies.

36. Nine neighbourhood plan areas (NPs) have been designated. A Plan for Allendale has been submitted to the County Council and is due to be examined early in 2015.
Another 5 groups are progressing towards the completion of a plan for submission. Three more NP areas have been designated and progress is at a preliminary stage.

37. Engagement events have taken place in most of the proposed NP settlement, typically drop-in events. In more recent times, specific meetings with the NP groups at Morpeth and Ponteland have taken place.

38. As progress is made towards the adoption of NPs across the County, engagement with NP groups will inevitably become more routine events.

**Stakeholders Engagement**

39. In excess of ten stakeholder events have been held during the course of the core strategy process to date. The range of stakeholders in a local plan is extremely broad and includes public agencies, statutory and non-statutory partnerships and voluntary interest, amenity and community groups and networks.

40. There is no reason to suspect that the Council’s stakeholder list is anything but comprehensive. The range of ‘stakeholders’ is, however, likely to have expanded over the course of the Core Strategy process if only to accommodate organisations and networks, for example the neighbourhood plans groups, that have only become active in the last few years.

41. In the business sector, there have been three meetings of a development viability panel and four with the Homes Building Federation.

**Hard to Reach Groups**

42. There is evidence of efforts made to engage with groups of people not normally responsive to general consultation material and events. Ten events have been held for young people, including three held in specific communities. Three events have taken place with organisations representing the ‘golden age’ of life.

43. Equalities Impact Assessments reports have been completed for each stage of the process. The Council is committed to making this Assessment exercise an iterative process.

**Methods and Level of Engagement, including publicity media**

44. The consultation process appears to have evolved in response to the more widespread use of new technologies. As broadband coverage of the District improves, greater use of email, the internet and social media is being made by the Council. Traditional methods of consultation, such as letters, press releases, face-to-face meetings and paper forms, continue to be used in tandem with the electronic methods to ensure that no-one is disadvantaged.

45. Consultation and stakeholder events have been held both at the Council’s offices and in premises made available across the county in order to make more accessible the Council’s officers as well as the consultation material. Most stakeholder events have focused on specific topics rather than the whole core strategy document. Some have involved workshop engagement techniques.
46. The events have been widely publicised with dedicated statements, mail-shots, bulletins and leaflets using a full range of media outlets. These have been used consistently to alert stakeholders and the general public to up-coming consultation stages and to provide feedback on comments received.

Illustrative Materials

47. The Council has applied considerable skill in the design of its publicity material. Its web-site is particularly clear and concise making it very ‘accessible’ and easy to use. For handling Core Strategy consultations, a proprietary (Limehouse) web-based package has been used. These pages are very comprehensive and easy to access albeit that the written messages can appear a little ‘dense’, with little variation in style and few illustrations. In contrast, the Council’s separately published ‘Brief Guides’ are eye-catching, with a variety of interesting illustrations and exceptionally clear maps.

Feedback and Response Mechanisms

48. With the exception of that for the Preferred Options (Stage 2), which is in preparation, the Consultation Report and a comprehensive list of representations received at each stage of the process continues to be accessible via the Council’s website. For some participants in the process, responses have been reported back in bespoke correspondence or at dedicated feedback meetings.

Local Plan Examination

49. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound.

50. Engagement Statements rarely generate issues at Examination. In any event, the Inquiry team at PINS will test Submissions for any statutory and procedural anomalies at the point of Submission and sometimes before the Inspector is appointed.

Key Findings

51. Engagement with the communities, representative bodies and individuals of Northumberland has illustrated a commitment on the part of the Council to a continuous process of engagement from the very commencement of the Core Strategy process.

52. Engagement arrangements appear to have been planned, appropriate and proportionate. They are consistent with good practice across the country.

53. This review has uncovered nothing to suggest that, to date, the Council has failed to meet the legal and procedural requirements of engagement in the preparation of its Core Strategy. The Council has complied with the requirements of its own Statement of Community Involvement.
54. In the remaining stages of the process, the Council should continue to demonstrate this commitment. One of the more challenging judgements facing the Council in these later stages will be how best to secure outcomes that will demonstrate beyond doubt that it has met the government’s aspiration and honoured the specific Duty to Cooperate.

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Appendix 1

Extracts from the
Town and Country Planning (Local Planning) (England) Regulations 2012

4. Duty to co-operate

(1) The bodies prescribed for the purposes of section 33A(1)(c) of the Act are—
   (a) the Environment Agency;
   (b) the Historic Buildings and Monuments Commission for England (known as English
       Heritage);
   (c) Natural England;
   (d) the Mayor of London;
   (e) the Civil Aviation Authority(a);
   (f) the Homes and Communities Agency;
   (g) each Primary Care Trust established under section 18 of the National Health Service
       Act 2006(b) or continued in existence by virtue of that section;
   (h) the Office of Rail Regulation(c);
   (i) Transport for London(d);
   (j) each Integrated Transport Authority(e);
   (k) each highway authority within the meaning of section 1 of the Highways Act 1980(f)
       (including the Secretary of State, where the Secretary of State is the highways authority);
   and
   (l) the Marine Management Organisation.

(2) The bodies prescribed for the purposes of section 33A(9) of the Act are each local enterprise
    partnership.

(3) In this regulation “local enterprise partnership” means a body, designated by the Secretary of
    State, which is established for the purpose of creating or improving the conditions for economic
    growth in an area.

18. Preparation of a local plan

(1) A local planning authority must—
   (a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local
       plan which the local planning authority propose to prepare, and
   (b) invite each of them to make representations to the local planning authority about what
       a local plan with that subject ought to contain.

(2) The bodies or persons referred to in paragraph (1) are—
   (a) such of the specific consultation bodies as the local planning authority consider may
       have an interest in the subject of the proposed local plan;
(b) such of the general consultation bodies as the local planning authority consider appropriate; and
(c) such residents or other persons carrying on business in the local planning authority’s area from which the local planning authority consider it appropriate to invite representations. 12

(3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).

35. Availability of documents: general

(1) A document is to be taken to be made available by a local planning authority when—
   (a) made available for inspection, at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and
   (b) published on the local planning authority’s website,

(2) In relation to any document made available under these Regulations, except a local plan or supplementary planning document which has been adopted or approved, the local planning authority may cease to make the document available once the period specified in paragraph (3) has expired.

(3) The period mentioned in paragraph (2)—
   (a) where the document relates to a supplementary planning document or to the local planning authority’s statement of community involvement, is 3 months after the day on which the supplementary planning document or statement of community involvement is adopted;
   (b) where the document relates to a local plan, is the 6 week period referred to in section 113(4) of the Act that applies as regards the local plan concerned.

(4) Where a local planning authority adopt, or the Secretary of State approves, a revision to a local plan or a supplementary planning document, as soon as reasonably practicable after the revision is adopted or approved, the local planning authority must incorporate the revision into the local plan or the supplementary planning document made available in accordance with this regulation.
Appendix 2

Extracts from the
Environmental Assessment of Plans and Programmes Regulations 2004

13. Consultation procedures

(1) Every draft plan or programme for which an environmental report has been prepared in accordance with regulation 12 and its accompanying environmental report (“the relevant documents”) shall be made available for the purposes of consultation in accordance with the following provisions of this regulation.

(2) As soon as reasonably practicable after the preparation of the relevant documents, the responsible authority shall—
   (a) send a copy of those documents to each consultation body;
   (b) take such steps as it considers appropriate to bring the preparation of the relevant documents to the attention of the persons who, in the authority’s opinion, are affected or likely to be affected by, or have an interest in the decisions involved in the assessment and adoption of the plan or programme concerned, required under the Environmental Assessment of Plans and Programmes Directive (“the public consultees”);
   (c) inform the public consultees of the address (which may include a website) at which a copy of the relevant documents may be viewed, or from which a copy may be obtained; and
   (d) invite the consultation bodies and the public consultees to express their opinion on the relevant documents, specifying the address to which, and the period within which, opinions must be sent.

(3) The period referred to in paragraph (2)(d) must be of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents.

(4) The responsible authority shall keep a copy of the relevant documents available at its principal office for inspection by the public at all reasonable times and free of charge.

(5) Nothing in paragraph (2)(c) shall require the responsible authority to provide copies free of charge; but where a charge is made, it shall be of a reasonable amount.
Appendix 3

Extracts from the Conservation of Habitats and Species Regulations 2010

102. Assessment of implications for European sites and European offshore marine sites

(1) Where a land use plan—
   (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
   (b) is not directly connected with or necessary to the management of the site,
the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) The plan-making authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.

(3) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

(4) In the light of the conclusions of the assessment, and subject to regulation 103 (considerations of overriding public interest), the plan-making authority or, in the case of a regional strategy, the Secretary of State must give effect to the land use plan only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(5) A plan-making authority must provide such information as the appropriate authority may reasonably require for the purposes of the discharge of the obligations of the appropriate authority under this Chapter.

(6) This regulation does not apply in relation to a site which is—
   (a) European site by reason of regulation 8(1)(c), or
   (b) European offshore marine site by reason of regulation 15(c) of the 2007 Regulations (site protected in accordance with Article 5(4) of the Habitats Directive).