

Norwich City Council
SCRUTINY COMMITTEE

Item No 7

REPORT for meeting to be held on 20 October 2016

Consultation methods

- Summary:** A briefing note was circulated to members detailing the methods of consultation used at the council and what the council uses consultation to achieve with the public and stakeholders.
- The document also explains how the public are kept informed about the consultation policy of the council and the different channels these updates are published on.
- Conclusions:** This meeting is a chance for the scrutiny committee to scrutinise the existing policy regarding the consultation process and ask the relevant officer questions and then possibly make recommendations.
- The attached is the consultation paper which was circulated to members of the scrutiny committee.
- Recommendation:** That the scrutiny committee notes the consultation process of the council and considers specific ways of enhancing this.
- Contact Officer:** Nikki Rotsos, **Director of Customers and Culture**
01603 212211 NikkiRotsos@norwich.gov.uk

Background

1. At the meeting of the scrutiny committee meeting held on 26 May 2016, members asked for a briefing paper on consultations to be circulated, to gain an overview and understanding of the council's current work in this area.
2. The briefing paper was circulated to members of the scrutiny committee and they have chosen to take this report as an item for scrutiny at this meeting.
3. Appended is the briefing paper received by members. It explains the council's most up-to-date plan regarding consultation with the public.

Consultation briefing note

The council uses consultation with the public and stakeholders to:

- help shape the services we deliver
- make informed decisions on issues and projects.
- test out proposed changes to the way we do things
- measure performance
- measure perception.
- help carry out statutory duties.

Our consultation principles

We use the following principles to guide how we determine how to consult.

Proportionate - the time and resources put into the consultation exercise should be in line with the purpose and impact.

Genuine – the results of the consultation exercise should be used to inform the decision making process

Consistent – given that different methods of consultation may be employed, it is important to ensure consistency in approach.

The Norfolk compact

The council has signed up to the Norfolk Compact This means that we are expected to consult for a period of twelve weeks on any significant consultations, for example the budget proposals. The Norfolk Compact together with its codes of practice has been agreed by all the main statutory sector organisations and over 130 of the voluntary and community sector organisations in Norfolk.

Your Voice

Norwich City Council is also part of the Your Voice a 'citizen's panel' which draws its membership from across the county and the city. It is an opportunity for people to volunteer to have a say on local services. Your Voice is open to everyone over 16 in Norfolk.

Once registered with this panel members can invited to take part in, focus groups, surveys mystery shopping or helping to design and commission services.

Statutory consultation

There are some areas of the council that have to follow statutory guidelines on consultation for all or part of their work. These, include licencing, housing, transportation, and planning. Planning has its own statement of community involvement outlining the approach to planning consultations and the relevant excerpt from this document can be found at appendix A.

Methods of consultation

The council uses different consultation methods depending on the scope and complexity of the subject; sometimes we use a number of different options for a single consultation. We use both quantitative and qualitative research methods. These include:

Questionnaires - these can be online, in print, and in person both face to face and by telephone.

Feedback forms – short questionnaires used to give views on services, for example housing repairs.

Focus groups – usually professionally facilitated and used to develop understanding of more complex issues and views.

Topic based meetings – often used with stakeholders groups, community groups or customers to get a more general view on a topic or theme.

On line interactive tools – recently used as a pilot as part of the transportation consultation in Eaton and Cringleford.

Communicating what we do

The council publishes current consultations on its website and offers the opportunity for people to have email alert to inform them as new consultations go on line. The council also publicises major consultations through the local media, social media and Citizen Magazine.

Feeding back

The results of all major consultations are fed back through the media, the Citizen Magazine and through social media.

Consultation 2016 -2017

During the year there will be a number of consultations carried out a few examples of what is planned are outlined below.

Housing repairs feedback – short feedback form. Consultation carried out throughout the year immediately after a repair has been done. The purpose of this is so both the contractor and ourselves can monitor our performance and use feedback to shape the service.

Markets Strategy – the final part of our consultation on our markets strategy. Members of the public, market traders and stakeholders will all be asked to comment on the final draft document. This will use questionnaires, face to face feedback and meetings to gather views.

The Halls and Norman Centre – feedback from groups who hire these facilities. A short questionnaire sent to everyone who hires the venue, post event so they can give views on the venue and our service helps us to improve our service and target our marketing.



2. Consultations on planning policy documents

Introduction

12. The Joint core strategy, together with the Development management policies plan, Site allocations plan, Area action plans and the policies map form the Local plan for Norwich. The Local plan¹ is the statutory development plan for Norwich which will guide the future development and use of land, services and infrastructure in Norwich up to 2026 and sets the parameters for subsequent Supplementary planning documents and Neighbourhood plans.
13. A new version of the Local plan has been produced and has been submitted to the Planning Inspectorate for examination in autumn 2013. Following examination, and if adopted, this will replace the current Replacement local plan adopted in 2004. The table in **figure 2** shows the relationship between the local plan policy documents produced by the Council. The Local development scheme (LDS) and Statement of community involvement (SCI) are procedural documents that support the production of the Local plan setting out what will be produced and explaining how people can get involved with the process.
14. The council will prepare several development plan documents which are identified in the Local development scheme (LDS). The LDS includes a timetable of when we aim to produce the development plan documents, and the various stages they must go through to be adopted. This is available on the Council's website and is reviewed and updated regularly (hard copies are available on request):
<http://www.norwich.gov.uk/Planning/documents/Localdevelopmentscheme.pdf>
15. Norwich City Council is a member of the Greater Norwich Development Partnership (GNDP). The East of England Regional Spatial Strategy² (abolished in January 2013) encouraged coordination between Norwich, Broadland and South Norfolk councils to deliver major growth envisaged for the Norwich Policy Area. The Joint Core Strategy for Broadland, Norwich and South Norfolk was produced by the GNDP, which includes the Broads Authority and Norfolk County Council working in partnership with the three districts. Other documents produced by the GNDP include the Community Infrastructure Levy (CIL) Draft Charging Schedule (for each district/authority area) which is a statutory charge on new development introduced by the CIL Regulations 2010 (as amended).

¹ The term Local development framework (LDF) is no longer used following national reforms to the planning system introduced during 2011/12. Consequently, the new Development plan documents being prepared will no longer be referred to as forming part of the LDF, but as the Local Plan.

² The RSS has been abolished under the powers under the Localism Act 2011 Section 109(3),(5) and (6) and The Regional Strategy for East of England (Revocation) Order 2012.



16. The planning policy documents prepared by the GNDP are guided by the community involvement standards as set by the partnership councils jointly.
17. The Local Plan for Norwich contains a number of development plan documents including:
 - **Local plan.** The Local plan contains a number of Development plan documents including the Joint core strategy, the Site allocations and site specific policies plan (the 'Site allocations plan'), the Development management policies plan and Area action plans. The Policies map also forms part of the Local plan and is produced alongside the Site allocations plan and the Development management policies plan.
 - **Supplementary planning documents (SPDs)** supplement the policies in the Local plan and provide more detail and explanation on these policies where necessary. Planning briefs are produced to provide development and design guidelines for major complex sites. Planning briefs are often adopted with a similar status as supplementary planning documents.
18. The planning policy documents are supported by a range of research, studies and evidence supporting documents. These documents are prepared to contribute to or justify the planning policy documents. The supporting documents could include: Sustainability appraisal, Diversity impact assessment, topic papers, and the evidence base for specific policies.

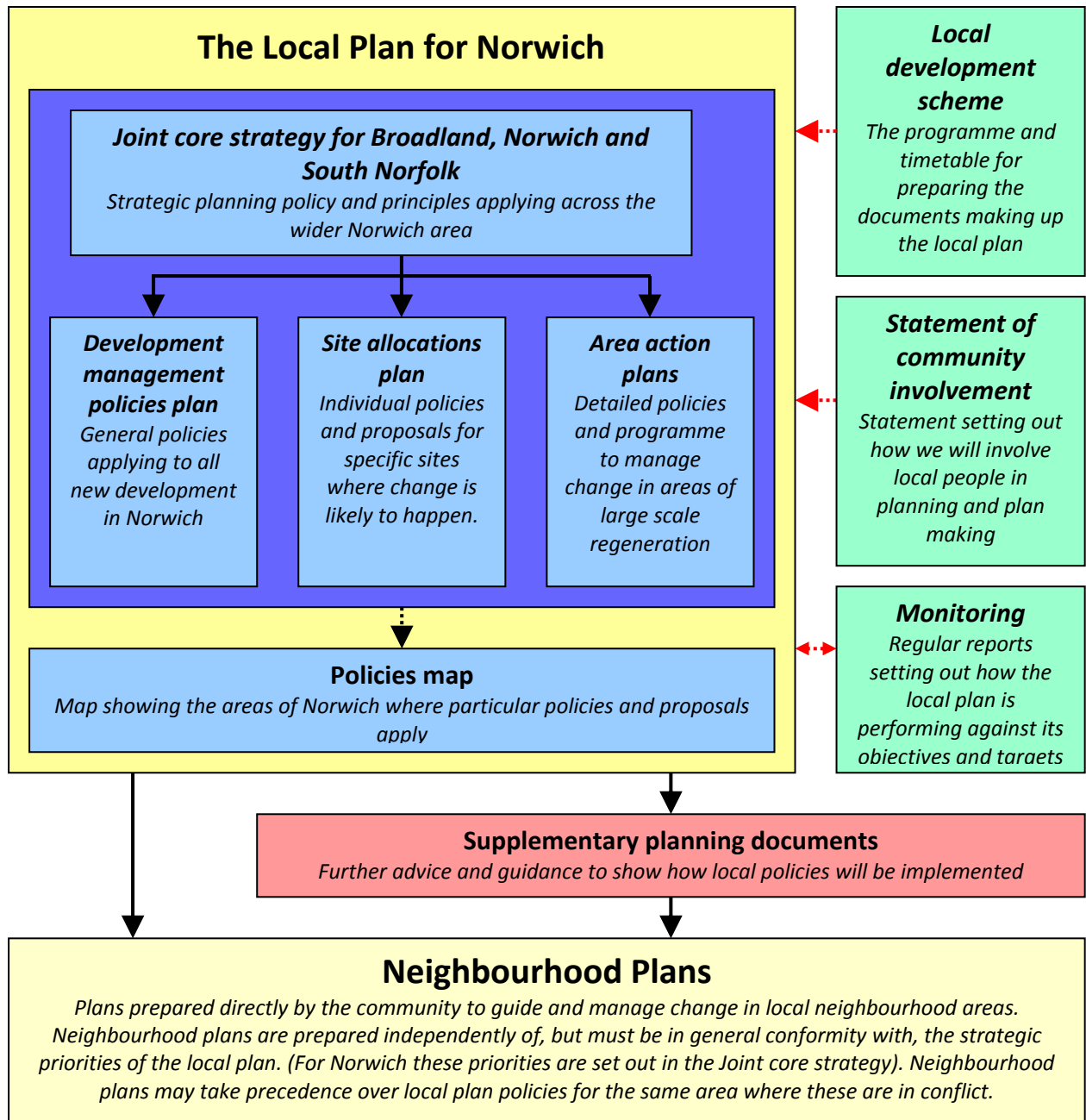


Figure 2: Documents making up the local planning framework for Norwich



Consultation Methods

19. The council has a well established procedure for involving people in planning policy documents. We will continue to develop our understanding of different consultation techniques over time and learn from what works, and what doesn't. A variety of methods have and will be used during consultations, taking into consideration issues being consulted on and the needs of the audience. These include the use of appropriate locations, and/or the use of particular presentation media for presentations to blind people, people with impaired hearing, and people with mental health issues or learning difficulties.

20. Consultation methods are evolving in the digital age. Whilst almost all the documents are made available electronically, the challenge remains as to how information can be disseminated effectively to attract a wider audience. We will endeavour in future consultations to increase the use of social media (e.g. Facebook/Twitter) where possible to help access "hard to reach" groups especially the younger population. We will also continue to use more traditional methods of consultation to include those without access to the internet or social media.

21. Based on our current success and lessons learned from previous consultations, we will endeavour to use a range of consultation approaches, as necessary, set out in the following list:

- Letters/emails to groups and individuals
- newspapers and Citizen magazine
- paper documents
- council's website
- "planning for real"³ type events
- presentations to community groups
- public meetings
- focus groups
- exhibitions
- local councillors
- social media
- local radio



22. We acknowledge that it is important to make public consultation arrangements as extensive as possible to make sure the public can get their voice heard. However, it is not always possible or appropriate to undertake consultations

³ "Planning for Real" is a nationally recognised planning process where residents take a hands-on role in registering their views, identifying priorities and suggesting solutions for development in their area using 3D models, plans and maps. Sessions are usually facilitated by an independent organisation such as Planning Aid England.



using all the methods listed above. We will endeavour to carry out consultation as appropriate to the nature of the plan/policy or proposal and the stages it involves and endeavour to ensure a non-IT method is used in all occasions. At any consultation stage the Council will comply with the minimum legal requirements for consultation.

How long will consultations last?

23. The National Compact states that local authorities should "...where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for short time-frames or a more informal approach." In many circumstances it is considered that 12 week consultation periods are not needed to respond to emerging development plans, especially given that notice is given of forthcoming consultations via the Local Development Scheme and the forward agenda, and consultation versions of the documents are put into the public domain around four to six weeks before the formal consultation period starts.
24. It is therefore considered reasonable if the **minimum** time period for written consultations on development plan documents, minor modifications or focused changes, is set at six weeks with provision for this period to be extended in the following circumstances:
 - a) Where the consultation period overlaps with either the holiday periods of Christmas, Easter, or August. In such circumstances the consultation period shall be extended to be 8 weeks.
 - b) Where there is no indication of the intention to prepare the document in the Local Development Scheme. In such circumstances the consultation period shall be 12 weeks;
 - c) Where there has been significant additional material included within the document between first publication of draft papers and formal consultation commencing. Again in such circumstances the consultation period shall be extended to be 12 weeks; and
25. Where a 12 week consultation period (points b and c above) overlaps with any of the three holiday periods mentioned above, the consultation period will not be extended although consultation dates will be adjusted to ensure that consultations do not close on bank holidays or between Christmas and New Year.
26. With regard to supplementary planning documents and planning briefs, regulations only require four week consultation periods. As these normally only relate to small geographical areas or subjects of specialist interest it is considered that shorter consultation periods are justified, particularly as similar lead-in times



and reporting arrangements exist for these documents as they do for development plan documents.

27. It is therefore considered reasonable if the **minimum** time period for written consultations on supplementary planning documents and planning briefs is set at four weeks with provision for this period to be extended in the following circumstances:

- a) Where the consultation period overlaps with either the holiday periods of Christmas, Easter, or August. In such circumstances the consultation period shall be extended to be 6 weeks.
- b) Where there is no indication of the intention to prepare the document in the Local Development Scheme. In such circumstances the consultation period shall be 8 weeks;
- c) Where there has been significant additional material included within the document between first publication of draft papers and formal consultation commencing. Again in such circumstances the consultation period shall be extended to be 8 weeks; and

28. Where an 8 week consultation period (points b and c above) overlaps with any of the three holiday periods mentioned above, the consultation period will not be extended although consultation dates will be adjusted to ensure that consultations do not close on bank holidays or between Christmas and New Year.

29. To try and ensure meaningful engagement, we will advise as early as possible of forthcoming consultations once a consultation document is scheduled for consideration by the relevant committee.

Who will we involve, and how?

30. The Council's Community engagement strategy (CES) "Working Better Together" identifies five levels of involvement:

- Keeping you informed;
- Asking what you think;
- Deciding together;
- Acting together, and;
- Supporting independent community initiatives.

31. Different types of policy documents need different levels of involvement, depending on factors such as how many people would be affected by the proposed policy and the type of impact it would have. Detailed guidance on who we will involve, how, and at what level at the various stages of the plan making process is given on the following pages.



Norwich City Council Statement of Community Involvement: July 2013

Local plan (Development plan documents):

Key stages	Involvement Level	Public/stakeholder involvement arrangements
1. Pre-production/evidence gathering The information needed for the plan is prepared and potential issues identified.	<ul style="list-style-type: none"> • Asking you what you think • Deciding together 	<ul style="list-style-type: none"> • Writing to statutory environment bodies to initiate Sustainability appraisal screening • Early involvement of relevant stakeholders • Hold focus group sessions where necessary to help decide issues to be included in the plan
2. Draft Local plan The information gathered at first stage is taken into account in the drafting of detailed policies and allocations. Depending on the level of complexity, the draft local plan stage may involve more than one period of consultation.	<ul style="list-style-type: none"> • Asking you what you think 	<ul style="list-style-type: none"> • Publish draft documents for consultation for a minimum of six weeks, and, at the start of the consultation period, <ul style="list-style-type: none"> ▪ publish the Sustainability scoping report or appraisal as appropriate; ▪ send letters/emails to specific consultation bodies; ▪ send letters/emails to relevant consultation bodies , other interested bodies and individuals on the consultation database; ▪ publish electronic copies of the consultation documents on the Council's website; ▪ make hard copies of consultation documents available for inspection at the Council's office and the Millennium library; ▪ issue press release in local papers; ▪ add consultation information on Council's social media sites. • Arrange public meetings, exhibitions, focus groups as appropriate
3. Publication of the Local plan The Local plan is finalised and published for a last stage of consultation. Comments at this stage will only be sought on soundness and legal compliance of the plan.	<ul style="list-style-type: none"> • Asking you what you think 	<ul style="list-style-type: none"> • Publish the Local plan and relevant documents for consultation for a minimum of 6 weeks, and, at the start of the consultation period, <ul style="list-style-type: none"> ▪ publish a statement of the representations procedure; ▪ publish the Sustainability appraisal report for consultation; ▪ publish a consultation statement summarising all comments received from the previous stages and how the comments have been considered and taken into account;



Norwich City Council Statement of Community Involvement: July 2013

		<ul style="list-style-type: none"> ▪ publish relevant supporting documents; ▪ send letters/emails to specific consultation bodies; ▪ send letters/emails to relevant general consultation bodies , other interested bodies and individuals on the consultation database; ▪ publish electronic copies of all the documents on the Council's website; ▪ make hard copies available for inspection at the Council's office and the Millennium library; ▪ issue public notice in local newspapers; ▪ issue press release in local newspapers; ▪ add consultation information on Council's social media sites. • Arrange exhibition or presentation to interest groups if necessary
4. Submission	<ul style="list-style-type: none"> • No involvement 	The draft Local plan, and all supporting documents and the comments received from public consultation are submitted to the Secretary of State, who appoints an independent planning inspector. The hard copy documents are available at Council's offices and the Millennium library.
5. Public examination	<ul style="list-style-type: none"> • No involvement 	The Local plan and the comments received are examined by the planning inspector, followed by the inspector's report.
6. Adoption The Local plan is adopted following the consideration of the recommendations in the inspector's report.	<ul style="list-style-type: none"> • Keeping you informed 	<ul style="list-style-type: none"> • Make the inspector's report available for inspection on the Council's website and at the Council's office • Inform consultees who previously made representations about the availability of inspectors report Following adoption of the Local plan, we will: <ul style="list-style-type: none"> • Publish the Local plan, make electronic copies available on the Council's website and hard copies available at the Council's office • Publish adoption statement in Local newspapers • Send adoption statement to specific and general consultees and those who made representations at previous stages or those who have asked to be notified of the adoption • Make the Sustainability appraisal and other supporting documents available for inspection for six weeks after adoption • Add adoption information on Council's social media sites



Norwich City Council Statement of Community Involvement: July 2013

Supplementary Planning Documents (SPDs)/Planning briefs:

Key stages	Involvement Level	Public/stakeholder involvement arrangements
1. Pre-production/evidence gathering The information needed for the plan needs to be prepared and potential issues need to be identified.	<ul style="list-style-type: none"> Asking you what you think Deciding together 	<ul style="list-style-type: none"> Engaging relevant stakeholders in deciding the level of detail to be included in the plan and to identify key issues that need to be addressed Where necessary, preliminary consultations will be carried out prior to the publication of draft SPDs
2. Draft SPDs/ Planning briefs A Draft SPD/planning brief is prepared following the initial evidence gathering stage. Consultations at this stage will involve publishing a draft of the SPD/ planning brief for comment.	<ul style="list-style-type: none"> Asking you what you think 	<ul style="list-style-type: none"> Publish the Draft SPD/planning brief for consultation for a minimum of four weeks, and, at the start of the consultation period, <ul style="list-style-type: none"> make electronic copies of the plan and supporting documents available on the Council's website; make hard copies of the plan and supporting documents available at the Council's office and Millennium library for inspection; send letters/emails to relevant specific and general consultees and those on the consultation database who may have an interest on the issues; issue a press release for the matters concerned if appropriate; add consultation information on Council's social media sites. Arrange exhibition or presentation to interest groups if appropriate
3. Adoption The Council will consider the representations received through the consultations and make any amendments necessary before adopting the SPD/ planning brief.	<ul style="list-style-type: none"> Keeping you informed 	<ul style="list-style-type: none"> Publish the SPD/planning brief – make electronic copies and any supporting documents available on the Council's website and hard copies available at Council's office Publish a consultation statement summarising all comments received from the previous stages and how the comments were considered and taken into account Send an adoption statement to those who have made representations during the previous consultations and those who have asked to be notified of the adoption of the SPD/planning brief. add adoption information on Council's social media sites



3. Consultations on planning applications

Introduction

32. Planning applications are considered through the development management process. It is important that the views of the general public and stakeholders are taken into account to inform decisions.
33. The legal minimum requirements of publicity on planning applications are set out in legislation. These requirements include publication on the Council's register, notices displayed near the site and/or neighbours being notified directly. For some applications, an advertisement is required in a local newspaper. Similar requirements apply to applications for listed building consent and conservation area consent.
34. This section sets out the council's approach to encouraging, and requiring where necessary, developers to undertake pre-application consultations and for the involvement of the community in commenting on planning applications.
35. The Planning service standards outline how people can expect to be involved in planning applications and the service they can expect to receive including response times to letters, emails and phone calls. The most up-to-date Planning service standards are available on our website at www.norwich.gov.uk; these will be updated when appropriate to reflect any future changes in legislation or internal processes.

Pre-application consultation

36. The National Planning Policy Framework (NPPF) states that local planning authorities should encourage parties to take maximum advantage of the pre-application stage and encourage applicants, not already required to do so by law, to engage with the local community. This should improve the efficiency and effectiveness of the planning application system for all parties including the local community.
37. The Council strongly encourages developers and agents of all application types to engage with the community at the earliest opportunity. For major schemes this is a requirement. This will give the best information on which to base proposals and enable any planning application that is subsequently made to have the best chance of success.
38. Early involvement between developers, the community, consultees and the local planning authority allows issues and concerns to be discussed before planning proposals are formally submitted for assessment and decisions are made. Pre-application involvement by all parties allows issues and concerns to be raised at an early stage, potentially enabling them to be addressed and giving communities the opportunity to shape or influence the development proposals.
39. There are several levels of pre-application service available, depending on the type of development proposed. For large and major schemes a fee may be charged for this



service but the level of advice given will also be greater and will involve statutory consultees and the comments of the local Design Review Panel. In the case of strategic sites and major infrastructure projects, a national Design Review Panel may also be consulted. Further guidance can be found on the Council's website at the following link or by calling the planning service: <http://www.norwich.gov.uk/Planning/>; telephone 0344 980 3333.

40. The Council strongly encourages pre-application consultation with the community for all applications which fall in the following categories:

- Housing developments of 10 or more dwellings;
- Any other development with a floor area of 1,000 square metres;

NB. The current Environmental Impact Assessment Regulations (2011) (EIA) do not require consultation on schemes requiring an EIA. However, these regulations are under review and this may become a requirement in the future.

41. The **Validation requirements** produced by the Council provide details of the pre-application consultation requirements for applications. These will be regularly updated in accordance with legislative requirements. The Validation requirements can be accessed from the Council's website: <http://www.norwich.gov.uk/Planning/Pages/Planning-ValidationRequirements.aspx>. If insufficient or inappropriate pre-application involvement has taken place relative to the size, scale, complexity and/or impact of the proposed development, the application may not be validated.

42. The figure on the next page gives some basic advice on how involvement/consultation would be expected to be conducted:



Planning application consultation

43. It is important that the community have suitable opportunities to be involved in commenting on planning applications and that those comments are taken into account when the decision is made.
44. The council has a well established process of consultation on planning applications. The main way to find out information on planning applications is through the Planning Public Access service⁴ on our website: <http://planning.norwich.gov.uk/online-applications>. You can also sign up to receive e-mail alerts of proposed developments in your area through this service. Other methods currently include:
- i) letters and emails to statutory consultees, other organisations and interest groups;
 - ii) letters and emails to residents, businesses and properties within 10metres of the boundary of the site;
 - iii) the display of site notices (for some applications);
 - iv) publication in local newspapers (for some applications);
- NB The methods listed at ii), iii) and iv) above will be carried out in accordance with at least the minimum requirements of Section 13 of the The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) (or any updated version thereafter)*
- v) viewing of all comments received on our website;
 - vi) viewing of all decision reports on our website;
 - vii) presentations at committee (for some applications) (in accordance with the requirements of the Planning Service Code of Conduct);
 - viii) committee papers – available a week before each meeting (in paper form/website), and;
 - ix) committee minutes – available 7 days prior to the next meeting.
- NB The above list is not exhaustive and should not be taken verbatim. Full details of the consultation methods on planning applications can be found at the following link:***
- <http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/Document%20Library/93/Repplanningneighbournotifications20090402.pdf>
45. Should any planning application during the process of its assessment be amended and require a further consultation period, all those who were originally consulted (statutory consultees, internal consultees and neighbouring properties), and any persons or organisations who have made representations, will be re-consulted on the revised proposals. If necessary, the case officer for the application will agree a new determination deadline with the developer/agent as required.
46. The Planning Portal (www.planningportal.gov.uk) provides information on planning in general, with Norwich City Council's website providing more specific information

⁴ The Planning Public Access website allows you to search for details of planning applications, plans and supporting documentation that have been submitted to Norwich City Council's planning service.



relevant to Norwich. Public Access contains details of all planning applications and comments of consultees and the consideration of the application by officers from December 2005 onwards, with some information on applications from January 1988 to November 2005.

Material planning considerations

47. In the process of assessing an application the planning officer must have regard to material planning considerations. Some examples of material considerations and non-material considerations can be found below (please note, this list is not exhaustive). For example, the loss of property value is not a material planning consideration and will not be taken into account in the assessment of an application.
48. More advice can be found on the Royal Town Planning Institute's website at the following link or from Planning Aid England at the second link:
- <http://www.planningportal.gov.uk/general/faq/faqapplyprocess#Whatarematerialconsiderations>
 - <http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf>



MATERIAL CONSIDERATIONS 	NON-MATERIAL CONSIDERATIONS 
<ul style="list-style-type: none"> • National and local policies 	<ul style="list-style-type: none"> • Issues considered under Building Regulations
<ul style="list-style-type: none"> • Planning history and previous appeal decisions 	<ul style="list-style-type: none"> • Land/boundary disputes, including rights of access
<ul style="list-style-type: none"> • Case Law 	<ul style="list-style-type: none"> • Opposition to business competition
<ul style="list-style-type: none"> • Impact on sunlight, outlook, privacy and amenity 	<ul style="list-style-type: none"> • Loss of property value
<ul style="list-style-type: none"> • Highways issues (e.g. increased traffic movements) 	<ul style="list-style-type: none"> • Loss of view (<i>NB this does not include 'outlook'</i>).
<ul style="list-style-type: none"> • Effect on a Listed Building or Conservation Area 	<ul style="list-style-type: none"> • Opposition to the principle of a development if permission has been granted by an outline application or appeal decision.

Figure 4: Examples of Material and Non-material considerations (Source: RTPi Planning Aid England)