



Engaging **Communities** in Planning

## **Transport Select Committee**

### **Draft National Policy Statement for Ports**

#### **Formal Response from Planning Aid England**

**January 2010**

#### **Introduction**

'Planning Aid' is at the forefront of engaging and giving an equal voice to all affected by the planning process. It seeks to raise awareness of planning and the need for communities and individuals to engage in the planning process. It provides free, independent professional planning advice to individuals and community groups who cannot afford to pay professional fees.

Planning Aid England is part of the Royal Town Planning Institute and operates through a network of nine regional services. Planning Aid is run independently in London, Wales and Scotland. Our regional knowledge, 35 year proven track record and access to almost 1,200 qualified volunteers underpin the strength of the Planning Aid service.

'Planning Aid' specifically helps people whose household income is low and those who are socially excluded. It also provides planning advice to small charities, voluntary and community groups, and tenants' organisations with limited funds or free reserves, social enterprises and other not-for-profit businesses.

Planning Aid England and Planning Aid London are independent of government. This independence allows us to act both as a 'critical friend' to government and as a trustworthy source of advice and assistance to communities and individuals.

Planning Aid England and Planning Aid London are playing a positive role in raising awareness of the content and importance of the National Policy Statements (NPS) consultation process with communities and individuals. We are also providing support to community groups who wish to respond to the consultation.

#### **The Planning Aid England Response to the Transport Statement Select Committee**

The Planning Aid England response is confined to matters relating to the consultation process and how this impacts upon communities and our key stakeholders.

## Consultation on the Ports NPS

Good, inclusive consultation brings benefits to all involved. Whilst acknowledging that it is not possible to please everyone, it is important that as wide a range of views as possible are received if the outcome is to be respected and deliverable. That said, there are enormous challenges of engaging the public in matters at a national level, and which as yet do not affect them directly.

Why is this consultation so important to communities? In addition to establishing the national need, the Ports NPS will “provide a framework for future decisions on proposals for new port development to be taken by the Infrastructure Planning Commission” (para 1.2.1). In essence it sets out

- what applicants should consider in preparing their proposal;
- what the IPC should look for; and
- what mitigation is considered reasonable.

In terms of the Ports NPS, it is important that the consultation process recognises the diverse types of community which may have an interest in the NPS. For example there are the communities who;

- live in coastal areas which may be subject to future applications for future port expansion;
- may be dispersed, but have a shared interest in ports eg the fishing community;
- may visit coastal areas close to ports, for example tourists; and
- communities who may be affected by associated developments some distance from the ports.

Each of these communities will have a different perspective on the issues and concerns which they would wish to see considered by the IPC when determining any future NSIP application. What they share however is the need to make their views known as part of this consultation, as failure to do so will mean that raising these issues at a later stage, for example when consultation is taking place on a Nationally Significant Infrastructure Project (NSIP) application, will be ‘out of bounds’.

It is therefore critical that from a community perspective, the issues identified are the right ones – have any been omitted, are the ‘local’ matters which the applicants should assess and the Infrastructure Planning Commission (IPC) should consider the right ones, are the mitigations identified reasonable etc? If these are not adequately reflected in the NPS, then applicants will not address these in their proposals, and IPC will not be able to consider such issues, if raised by communities, when deciding a NSIP development.

The NPS will also have an indirect impact on planning policy and planning decisions (under the Town and Country Planning Act) at a local level as it will become material consideration in the determination of relevant planning applications and development plans may need to be amended to reflect the NPS. As such it is important that local communities are aware of this, and have the opportunity to provide informed comment on the content of the NPS.

## **The challenges of good public engagement in a national policy consultation**

National policy consultations are a challenge. An additional difficulty for this consultation is the lack of knowledge and understanding in the wider community of the Planning Act 2008 and how this will affect certain types of infrastructure projects – this makes community consultation much harder.

It is also very hard to raise awareness and enthusiasm within communities when there is no current application (and indeed there may never be an application within their locality) around which they can focus their comments.

With regard to the NPS consultation, Planning Aid has worked with communities to help them to think through and develop an informed response, although this has primarily focused on areas identified in the draft nuclear power NPS.

Our approach when working with our target communities is based upon a process which encourages groups to think through their areas of concern if a NSIP proposal was to come forward which affected them, how these might then be overcome by the promoter and the benefits which could result from a development. They are then encouraged to look at the NPS to ensure that it asks potential applicants to take account of the relevant community concerns / issues as part of their submission, that the IPC are asked to take account of these in their decision making and that the mitigation measures proposed reflect the way in which adverse impacts on local communities can reasonably be reduced. This is clearly easier where there are already location specific proposals.

It is also important that the public are made fully aware of what is, and what is not, 'up for debate' in the consultation. In this case, communities need to understand that the Ports NPS does not introduce new policy; rather it translates ports policy into a framework to guide applications to the IPC and for IPC decision making. Failure to ensure that this is fully appreciated may result in responses which focus on the wrong issues at the expense of those which are of relevance to this consultation process.

## **Planning Aid - Raising community awareness of the draft Ports NPS.**

The new planning process for NSIPs involves a very welcome 'step change' in pre-application consultation with local communities and will significantly improve their ability to influence how some of the local impacts of a proposed NSIP are dealt with. This 'step change' is strongly welcomed by Planning Aid, however it is important that communities who do participate understand what they are able to influence and what has already been fixed – hence the need to raise awareness in the consultation on the draft NPS and encourage responses.

Our independent role and respected expertise in community engagement has allowed Planning Aid to work alongside the Department to support the consultation process and promote awareness of this consultation within the wider community and our target groups.

Planning Aid England and Planning Aid for London produced a two side summary sheets for the Ports NPS. This was facilitated by DfT who supplied draft text in advance of the launch to allow the summary sheet to be published at the same time as the start of the consultation was announced. Similar summary sheets were also produced for each of the draft Energy NPS. *A copy of the Planning Aid England and Planning Aid London draft Ports NPS summary sheet is appended to this submission.*

A special purpose web site was developed by Planning Aid England and Planning Aid for London which contains basic information about the Planning Act 2008, the consultation process, downloadable copies of each of the Planning Aid NPS summary leaflets and a series of frequently asked questions and answers. Paper copies of the A4 Ports NPS and other energy NPS summary sheets were also sent by post to stakeholders and others without internet access. Awareness of these leaflets and the web site was raised through a cascade of emails, sent to coincide with the announcement of the start of the consultation, to Planning Aid volunteers, stakeholders, and community groups who were asked to forward them to anyone they felt may have an interest in the consultation.

By 4 January 2010 there had been 91,068 hits on the Planning Aid NPS web site and a total of 1,130 Ports NPS Summary Sheets had been downloaded from the site. This number of downloads represents the 'tip of the iceberg' as those downloading the documents are encouraged to copy, print and circulate to a wider audience, thus cascading information further. Planning Aid England and Planning Aid London have both established a dedicated phone lines for enquiries on NPS and a special email address.

Planning Aid England has also delivered 5 training events in December for staff and volunteers (further events are planned for early 2010). These events are aimed at raising awareness of the implementation of the 2008 Planning Act in general and the NPS consultation for Energy and Ports in particular. Circa 120 people have already attended these events. In addition articles on the NPS consultation, the importance of engagement and where to find information have been produced for the Planning Aid regional newsletters – these are distributed to volunteers, local authorities and community groups.

Planning Aid England has also supported the DfT with the two national consultation events which have been held in England, taking the role of independent chair / workshop discussion session facilitators at the events.

**How does the DfT consultation meet government guidance on good consultation?**

<b>Code of Practice Consultation Criteria</b>	<b>Comment / notes</b>
1. When to consult – formal consultation should take place at a stage when there is scope to influence the policy outcome	NPS is in draft form. DfT have made clear that the NPS does not contain ‘new policy’. There is scope to influence the advice which the NPS will set out for applicants and the IPC relating to local impacts.
2. Duration of consultation exercise – consultations should normally last for 12 weeks and consideration should be given to longer timescales where feasible and sensitive	The consultation period lasts for 14 weeks.
3. Clarity of scope and impact – consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals	Draft NPS document is clear about consultation process. PA raised community awareness through the summary sheet which was prepared with the support of DfT and through information on a special web site.
4. Accessibility of consultation exercises – consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach	The NPS is well written and use reasonably accessible language. The PA summary provides a limited overview of each NPS and provide a starting point for raising awareness within communities.
5. The burden of consultation – keeping the burden to a minimum is essential if consultations are to be effective and if consultees’ buy in to the process is to be obtained.	Responses can be completed on-line and also in hard copy.
6. Responsiveness of consultation exercises – consultation responses should be analyse carefully and clear feedback should be provided to participants following consultation	This stage has not yet been reached.
7. Capacity to consult – officials running consultation should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.	Not known

## **Conclusions**

Planning Aid England and Planning Aid for London have played a positive and valuable role in the process of raising awareness of the draft Ports NPS consultation process with communities and in doing so, have brought real and measurable added value to the process.

Planning Aid England believe that the national consultation events held so far could be further supplemented with local events in areas where there is the potential for Ports related NSIP proposals to come forward. These local events would bring added value in terms of consultation feedback to the Department as they would allow real issues which have the potential to be of importance to communities, and which relate to the drafting of the NPS, to be captured.

Good consultation brings rewards to all involved. Community engagement in the consultation process is important with local knowledge enabling communities to look at the NPS in a way which other stakeholders may not, thus adding a different 'user' perspective to the pool of responses.