



Engaging **Communities** in Planning

Energy National Policy Statement Select Committee

Formal Response from Planning Aid England

Section 2 – Consultation Process

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 Energy National Policy 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.

Our response is structured around the questions supplied by the Select Committee Clerk on 4 January 2010, in advance of our anticipated attendance on 6 January.

1. What are witnesses' concerns with the adequacy of the process?

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 Overarching Energy NPS and associated technology specific NPS in essence amount to a checklist which establishes, for each type of Nationally Significant Infrastructure Project (NSIP):

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

In terms of the Energy 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 those areas which may be subject to future applications;
- may be dispersed, but have a shared interest eg the fishing community where coastal developments are proposed;
- may visit areas where new energy NSIPs may be proposed, for example tourists; and
- communities who may be affected by associated developments some distance away from the main NSIP site.

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 ruled '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 they will become material considerations in the determination of relevant planning applications and the 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.

2. What are the challenges of good public engagement in 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 or area of interest) 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. This support has primarily focused on areas identified in the nuclear power NPS, with the notable exception of a community group in the Dungeness area who wish to see the site included in the NPS as a suitable location.

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.

Where communities are aware of the consultation, the volume of documentation, particularly for the nuclear sites, has presented a significant challenge to community groups.

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 Energy NPS do not introduce new policy; rather they translate existing energy 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.

3. How might the consultation process be improved at this stage?

Planning Aid is pleased that DECC are adding further national (Manchester) and local nuclear (Hartlepool and Hinkley Point) consultation events to those identified at the outset of the process.

We believe however that this could be further supplemented with local events in areas where it is known that other energy related NSIP proposals will 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 different technology specific NPS to be captured.

The IPC publishes on its web site a programme of projects for which it expects to consider applications. This list currently contains 17 projects, fifteen of which are energy projects. Four nuclear projects are included in this list and in these locations communities have the benefit of a DECC local consultation event which explains the NPS process to them in greater detail.

Whilst it would not be reasonable to consider additional events in the vicinity of all energy related projects on the list, as this would add an unreasonable burden of consultation, locations could be selected to reflect clusters or different types of NSIP applications currently registered with the IPC. For example an additional event could be held in mid Wales where five wind farm proposals have been registered with the IPC as potential applications and where local communities are already considering issues, impacts and mitigation.

Finally when undertaking any additional community consultation, it is important that the opportunity is not lost to ensure that communities focus their energies and responses on those aspects of the NPS which are 'up for debate'. Our experience would suggest that this distinction is not always fully appreciated by local groups.

4. Planning Aid have been helping to retrospectively improve the process – What has Planning Aid been doing?

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.

A key challenge has been the volume and complexity of the consultation material. Planning Aid England and Planning Aid for London produced six A4 two side summary sheets – one for each energy NPS. This was facilitated by DECC who supplied draft copies of the NPS (except for the nuclear NPS, where the draft text from the exhibition boards was supplied) in advance of the launch to allow these summary sheets to be published at the same time as the start of the consultation was announced. A similar summary sheet was also produced for the draft Ports NPS. *A copy of each of the Planning Aid England and Planning Aid London draft Energy NPS summary sheets 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 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 Secretary of State's 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 8,569 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 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.

5. Does the DECC consultation meet government guidance on good consultation?

Code of Practice Consultation Criteria	Comment / notes
1. When to consult – formal consultation should take place at a stage when there is scope to influence the policy outcome	NPS are in draft form. DECC have made clear that the NPS do not contain ‘new policy’ – energy policy has previously been consulted on. 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 15 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 documents are clear about consultation process. PA raised awareness through summary sheets which were prepared with the support of DECC 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 are generally well written and use reasonably accessible language. The main challenge for consultees is the amount of material covered by the NPS; however there is no easy solution to this. The PA summaries provide 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 analysed 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.	As the consultation has progressed, advice has been sought from Planning Aid and the responses acted upon by DECC, for example the need and general location for an additional national consultation event, the ease of use of the DECC website, the need to find alternative ways of raising awareness within communities without good broadband access

6. What are the risks if the consultation is seen to be inadequate?

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

There are two key risks to be aware of, firstly communities need to understand what is, and what is not, 'up for debate' in the consultation. In this case, it is the translation of existing energy 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 other issues which are of relevance to this consultation process.

A second potential risk is that community responses will not be sufficiently broad based or balanced to inform the sound development of the final NPS. If communities who may be affected by a NSIP proposal in the future do not ensure that the 'framework' set by the NPS for applications and IPC decision making reflects those issues which they believe should properly be considered, or the mitigation required is inappropriate, then these matters will be considered 'out of bounds' at the project stage and cannot be re-opened for debate.

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.

For more information please contact:

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