

# RTPI Cymru Spring Conference Engaging and Listening for Placemaking

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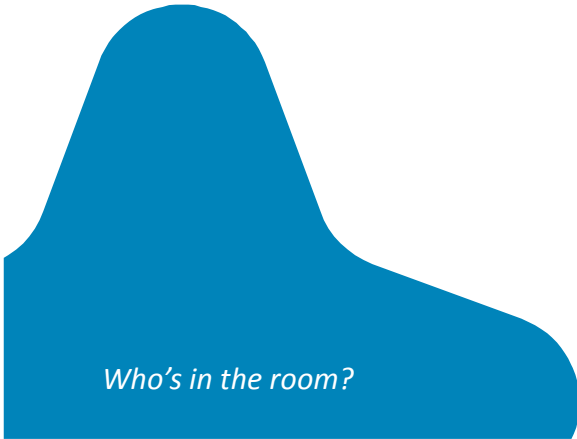
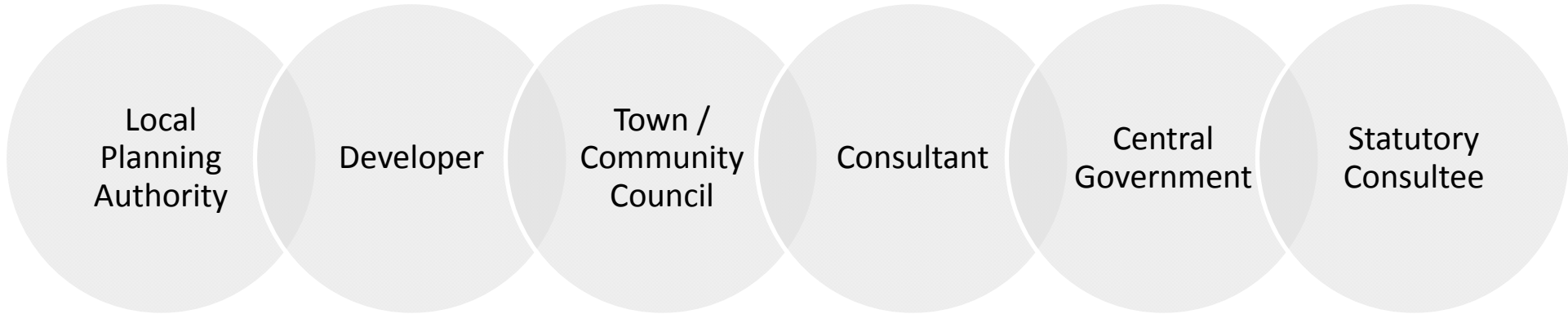
March 2019



## Pre-application Community Consultation: Best Practice Guidance for Developers

November 2017

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## Consultation is for everyone

- Have you ever consulted?
- Have you ever been consulted?
- Engaging with people is not new, but the ways in which we are doing it are changing

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## Why do we engage with people in the planning process?

- Statutory requirement to carry out consultation on planning policies and certain sized developments
- Because genuine engagement in planning can help to create a higher quality built environment for all and help to achieve planning successes





Llywodraeth Cymru  
Welsh Government



Introduction of  
pre-application consultation  
as a requirement under the  
Planning (Wales) Act 2015

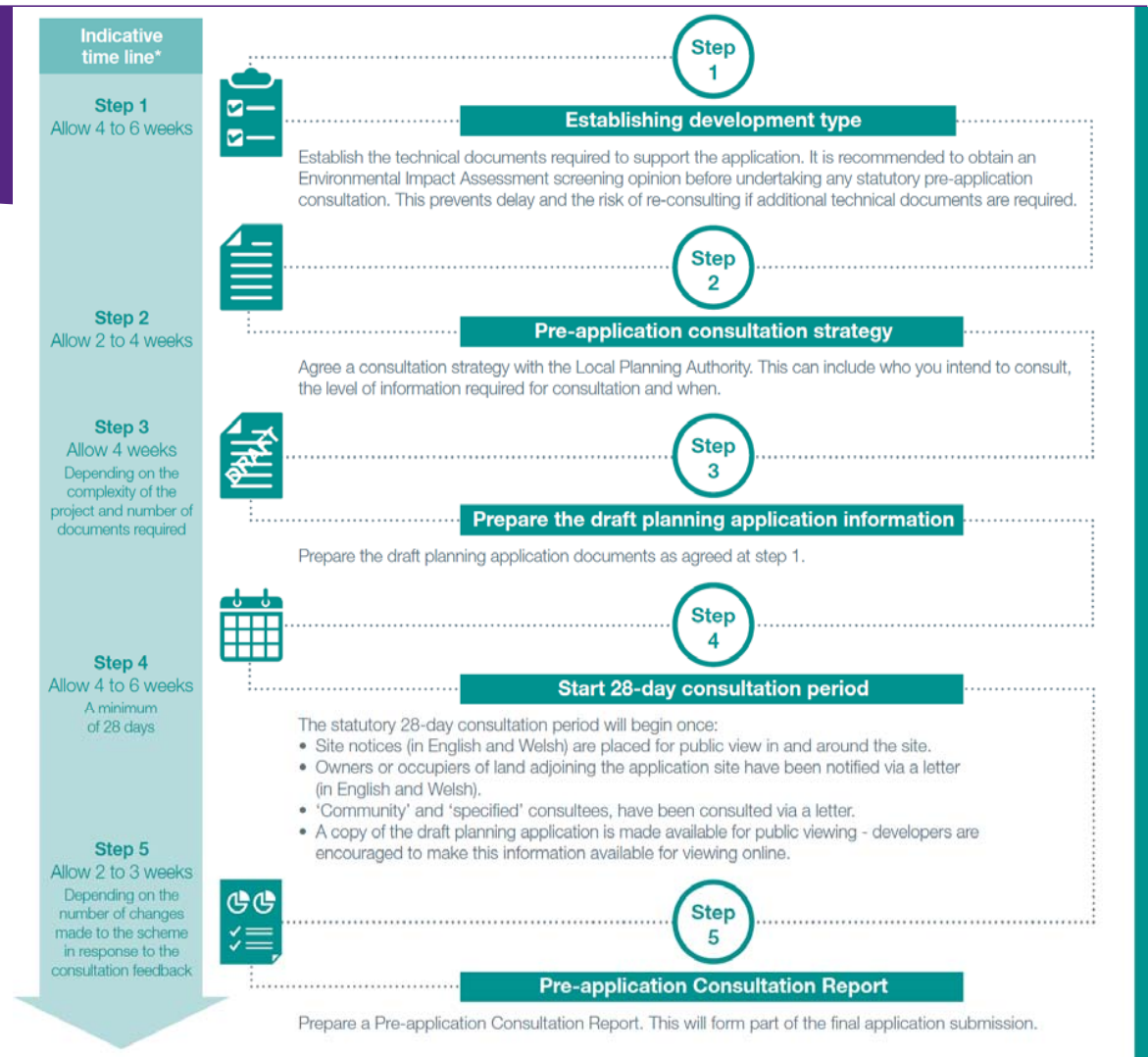


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# Minimum requirements

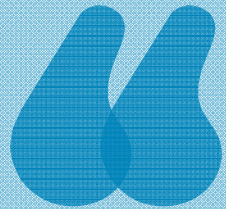
## Statutory activities include:

- Making draft planning application documents available to view
- Notifying the right consultees of the consultation
- Providing a 28 day consultation period
- Submitting a 'Pre-Application Consultation Report' as part of the application





## The need for more guidance



Is following the minimum requirements gaining the most from the process?



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## Effective consultation in planning

Good engagement is more than 'ticking a box'.

Effective consultation can:

- Change awareness
- Change attitudes
- Change behaviours

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## Inadequate consultation can lead to:

- Public protest, legal challenge
- Delays to process
- Incorrect information being taken as truth
- Lack of trust and honesty
- Fear and anxiety
- Uncertainty and doubt



# Gaining the most from the process



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## Going beyond the requirement

- Guidance note prepared for the use of developers
- Providing high level advice and detail for carrying out consultation on major development schemes
- Aims to ensure that the relevant requirements are met, whilst identifying how developers can benefit from carrying out consultation that goes beyond the statutory requirements

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## What is included?

- The note ensures compliance with the requirements
- The real added value is in Section 3

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# Guidance on adding value to pre-application consultation

3.1 Why carry out effective engagement?



3.2 Creating the right approach



3.3 How much consultation to carry out and when



3.4 Understanding the community



3.5 Who to consult



3.6 Value adding consultation tools and techniques



3.7 Recording, responding and reporting



# Real life case studies to identify opportunities and pitfalls

## Case study: South-west Wales regeneration project - Multi-phased consultation



As part of the pre-application process for a regeneration project including major shopping, leisure, employment and housing facilities, extensive consultation was carried out to ensure the plans met the community's aspirations.

The first phase of consultation (non-statutory) took place during autumn 2015, followed by the second phase (statutory) in spring 2017. Consultation activities included the provision of a project website, meetings with local stakeholders and interest groups, a 3-day public exhibition and more.

The application was submitted, then validated in March 2017 and subsequently approved in June 2017 (within 12 weeks).

The consultation was able to address and reduce the number of representations as the process progressed, as shown below:

- The first phase of consultation (non-statutory) saw more than 3,500 people participate and 293 consultation responses were received.
- The second phase of consultation (statutory) saw more than 2,500 people participate and 48 consultation responses were received.
- Post submission, the LPA's formal consultation received 18 responses (including responses from technical consultees).

This case study demonstrates that by engaging in a phased consultation process, a developer can address and reduce the number of issues raised over time. In turn, this can reduce the number of representations made during the determination period and also the time taken to determine an application.

# What did we learn from the case studies?

## Case study outcomes

- Good awareness raising will increase participation and reduce objections
- Providing user friendly, engaging materials gains a better response
- Revising a scheme based on the comments received, reduces objections and can raise support
- It is important to understand a community (in particular with regard to Welsh language)
- Be prepared for social media and press attention
- Engage with Community Councils and councillors. Suggestions for engaging with the community should be actioned where reasonable and proportionate
- Make use of existing channels to engage, local groups, social media forums etc.
- Have an easy to use website which is project specific, links to company websites can be confusing



# Formulating a consultation strategy

Q1. How significant is the scheme and what is the perceived level of community interest?

Q2. When is the right time to consult?

Q3. What is the community make-up and how can I engage with the whole community?

Q4. Who do I need to consult?

Q5. What tools and techniques can be added to the statutory requirements to gain more value through the consultation process?

Q6. How will comments be recorded, reported and considered?

## Formulating a consultation strategy

When formulating a consultation strategy, it is recommended to consider the following questions to help develop an appropriate and proportionate approach that will gain the most value from the consultation.

Q1. How significant is the scheme and what is the perceived level of community interest?

This will help determine whether the approach should go further than the minimum requirements.

Q2. When is the right time to consult?

For larger schemes it may be beneficial to hold an earlier 'non-statutory' round of consultation, followed later by the statutory consultation.

Q3. What is the community make-up and how can I engage with the whole community?

An understanding of local demographics, including the proportion of Welsh speaking residents, will help to identify the most appropriate way of engaging with the whole community.

Q4. Who do I need to consult?

The legislation requires developers to consult with a number of statutory consultees. However, are there any additional non-statutory groups who would add benefit to the project development through engagement?

Q5. What tools and techniques can be added to the statutory requirements to gain more value through the consultation process?

Methods can range from additional awareness raising activities, to digital tools, to public events.

Q6. How will comments be recorded, reported and considered?

It is good practice to develop a system to respond to comments and establish how they will be recorded. This will feed into the Pre-Application Consultation Report.

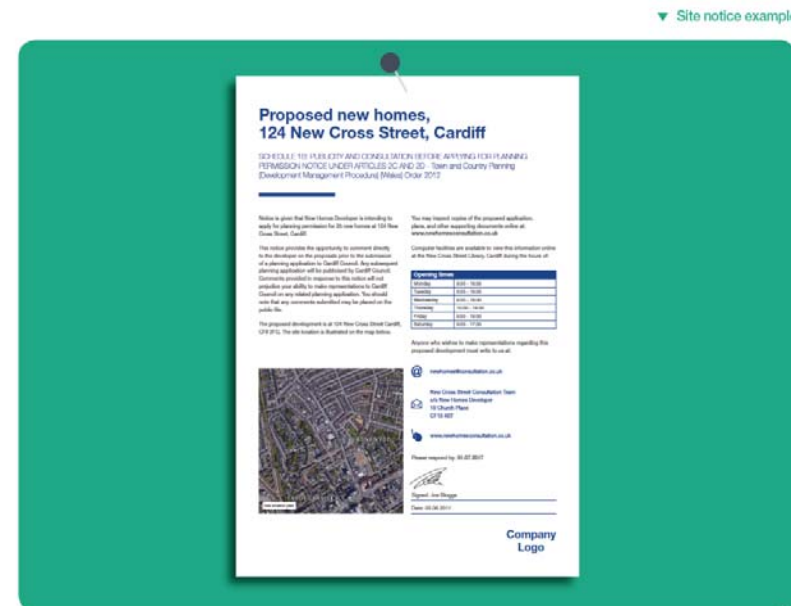
This guidance note provides more detail regarding the above questions to help developers establish the right approach for consulting on their scheme.

It is beneficial for developers to discuss their consultation strategy with the relevant Local Planning Authority (LPA) and Community Council. They may suggest additional consultation activities and consultees to be engaged with that is appropriate for the scheme.

# Useful examples to help create user friendly materials



▲ Consultation website example



▼ Site notice example

# Checklists

## Annex 1: Compliance checklist

- The compliance checklist can be used to help ensure that the developer has complied with each of the following:
- Section 61Z of the Town and Country Planning Act 1990 which introduces the requirement to carry out pre-application consultation, and
  - DMPFWO Part 1A 'Requirement to carry out pre-application consultation 2B'.
- All the tasks on the checklist must be completed in order to meet the requirements. For ease of use the checklist is broken down into simple sections.

Tasks		
<b>Raising awareness of the statutory consultation</b>		
Site notice – Schedule 1B	<p><b>Information required in the site notice</b> The site notice must contain the information set out in Schedule 1B: Publicity and Consultation before Applying for Planning Permission Notice under Articles 2C and 2D - DMPFWO.</p> <p>An English and Welsh language version of the site notice must be provided.</p> <p><b>Displaying the site notice</b> The site notice must be displayed in at least one place on or near the land to which the proposed application is.</p> <p>The site notice must be easily visible and legible by members of the public.</p> <p>The site notice must be displayed for no less than 28 days.</p> <p>Providing developers have taken reasonable steps to protect the site notice and, if needs be, replace it if it is removed, obscured or defaced before the end of the 28 day publicity period, then the developer will be considered to have complied with their statutory duties.</p>	<p><b>Information required in the site notice</b> The site notice has been created containing the information from Schedule 1B.</p> <p>An English and Welsh language version has been provided.</p> <p><b>Displaying the site notice</b> The site notice was displayed in one or more locations near the site.</p> <p>The site notice is easily visible and legible by members of the public.</p> <p>The site notice was displayed for no less than 28 days.</p> <p>The site notice did / did not require replacing.</p>
Schedule 1C	<p>The developer must give the relevant specialist consultees notice in writing of the proposed application. The letter must contain the information set out in the notice Schedule 1C under Article 2D - Consultation Before Applying for Planning Permission - DMPFWO.</p> <p>The developer must enclose each of the draft application documents (see details below) with the notification or provide a link to a website on which those documents can be found.</p> <p>N.B. The developer is encouraged to provide specialist consultees with this information electronically (i.e. an email) and in cases when information is posted to statutory consultees, developers should consider using recorded delivery.</p>	<p>The specialist consultees have been provided notice in writing of the proposed application.</p> <p>The letter/notice contained the information set out in the notice in Schedule 1C.</p> <p>The specialist consultees have been provided with a link to / hard copy of the draft application documents.</p>
<b>Consultation period</b>		
Consultation period	The developer must consult for a minimum of 28 days.	The consultation period ran for a minimum of 28 days.

## Annex 2: Identifying specialist consultees

Developers must consult with 'specialist consultees' who comprise the list of consultees in Schedule 4 of the DMPFWO.

Whether a specific consultee needs to be consulted depends on whether the proposed development falls within the relevant category in the second column of the table in Schedule 4.

In order to decide which specialist consultees the developer must consult with, each stated description of development. Where the answer is yes the consultee should be added to the list. Where the answer is no, that consultee does not need to be added to the list in this case. If the developer is unsure it is advised to include consultee as a cautious approach.

If the developer has identified additional consultees they would like to consult, these can be added to the table.

Once the table is complete the list of specialist consultees will have been produced.

Para	Description of Development	Consultee	Is there a need to consult?	Identified Consultee
(4)	Development likely to affect land in the area of another local planning authority	The local planning authority concerned		
(5)	Development, in relation to which an application for planning permission has been made to the Welsh Ministers (under section 255A of the 1990 Act) (urgent Crown development application), where that development is likely to affect land in the area of a community council	The community council		
(6)	Development within an area which has been notified to the local planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive		
(7)	Development within an area which has been notified to the local planning authority by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of— (i) residential accommodation; (ii) more than 250 square metres of retail floor space; (iii) more than 500 square metres of office floor space; or (iv) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Office for Nuclear Regulation		
(8)	Development likely to result in a material increase in the volume or a material change in the character of traffic— (i) entering or leaving a trunk road; or (ii) using a level crossing over a railway	The Welsh Ministers		
(9)	Development likely to result in a material increase in the volume or a material change in the character of traffic: entering or leaving a classified road or proposed highway	The local highway authority concerned		
(10)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned		
(11)	Development involving— (i) the formation, laying out or alteration of any means of access to a highway (other than a trunk road); or (ii) the construction of a highway or private means of access to premises affording access to a road in relation to which a list order is in force	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire		
(12)	Development which consists of or includes the laying out or construction of a new street	The local highway authority		



## Moving forward

With an increase in localism and neighbourhood planning, communities have an expectation to 'have their say' in development in their area.

Communities want information to be clear and accessible to all members of that community.

Are the prescribed consultation requirements and the best practice guidance adequate to achieve this?





## Today's engagement is...

- Multi channel
- Multi platform
- Multi media

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## What does this mean?

- Greater expectation of involvement
- Rise in the ownership of smart phones
- Growth in use of technology from 55+ age group
- Growth in use of video
- Access to information and challenge to professional authority



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# Meeting expectations



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**Using different  
tools helps  
communicate to a  
wide range of  
people**



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## Encouraging the silent majority to engage

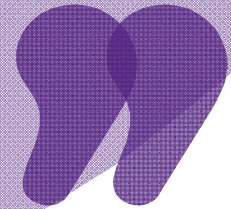
Digital platforms provide accessible ways to respond for a range of demographics including those that would not normally engage in the process.



What's next?



Is the process meeting expectation, and is there more we can all be doing to encourage engaging and listening to create better Placemaking?



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# Thank You

For more information

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