

Guidance on Neighbourhood Plan Consultations during the Coronavirus Pandemic



June 2020

1. Introduction

Stratford-on-Avon District Council (SDC) has prepared this guidance note on consultation for Neighbourhood Plans to reflect the changes in circumstances and updated government guidance issued in response to the Covid-19 pandemic. The advice is prepared specifically in relation to those Plans anticipated to reach Regulation 14 (pre-submission) and Regulation 16 (submission) consultations during the current Coronavirus pandemic. It is also relevant to those NDPs expected to be subject to Regulation 17a consultations, which are undertaken when new evidence requires an opportunity to reconsider an Examiner's modifications. The guidance should be considered in light of the individual circumstances at the time of consultation, which will be subject to change and therefore affect the types of engagement methods that will be most appropriate at the time of consultation.

The below sections set out the following:

- The adopted Neighbourhood Planning Regulations (2012);
- Updated Planning Practice Guidance for Neighbourhood Plan consultations issued by the government in May 2020 in response to Coronavirus;
- The Statement of Community Involvement and recommended methods of community engagement for Neighbourhood Plans; and
- Further guidance on how to undertake consultations safely and appropriately during the Covid-19 pandemic.

This note is intended to assist you in ensuring that any consultation activities planned to take place during the current pandemic are undertaken appropriately, and in accordance with the regulations and guidance issued by the government.

2. Neighbourhood Planning Regulations 2012

The [Neighbourhood Planning Regulations](#) must be complied with when undertaking Regulation 14 and Regulation 16 consultations, as the validity of the Plan may otherwise be challenged at Examination. Regulation 14 consultations are the responsibility of Qualifying Bodies, whilst Regulation 16 consultations are the responsibility of the Local Planning Authority. In instances where Regulation 17a (decision on examiner's

recommendations) consultations are undertaken, these are also the responsibility of the Local Planning Authority to arrange.

For information, the relevant sections of the regulations have been appended as **Appendix 1**.

It is a requirement that Regulation 16 consultations provide a copy of the Plan to view online, and **we would strongly recommend that this also takes place for Regulation 14 consultations**.

For both Regulation 14 and Regulation 16 consultations, there is no requirement in the Regulations for physical copies of the Plan to be made available at particular locations; however, it is a requirement that details of the consultation are publicised in a manner considered "likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area". This includes making an effort to notify those people who do not have access to the internet or who cannot leave their home as a result of the current pandemic.

Regulation 17a consultations broadly follow the same procedure as Regulation 16 consultations, in that they involve a 6 week period of consultation organised by the Local Planning Authority, with the exception that the persons that must be consulted include the following:

- (a) the qualifying body;
- (b) any person whose representation was submitted to the examiner of the plan proposal in accordance with regulation 17(d); and
- (c) any consultation body which is referred to in the consultation statement mentioned in regulation 15

Ideas as to how the requirements of Regulations 14, 16 and 17a may be achieved through various consultation methods are included in the [Statement of Community Involvement](#) and Sections 4 and 5 of this guidance note below.

3. Planning Practice Guidance (PPG)

In May 2020, the Ministry of Housing, Communities and Local Government issued an [update to the current PPG](#) on Neighbourhood Planning consultations in light of the Covid-19 situation, a summary of which can be found below:

*"Public consultation: The Neighbourhood Planning (General) Regulations 2012 require neighbourhood planning groups and local planning authorities to undertake publicity in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area at particular stages of the process. **It is not mandatory that engagement is undertaken using face-to-face methods. However, to demonstrate that all groups in the community have been sufficiently engaged, such as with those without internet access, more targeted methods may be needed including by telephone or in writing.** Local planning authorities may be able to advise neighbourhood planning groups on suitable methods and how to reach certain groups in the community.*

There are also requirements in the Neighbourhood Planning (General) Regulations 2012 that require at some stages of the process for neighbourhood planning groups and local planning authorities to publicise the neighbourhood planning proposal and publish details

of where and when documents can be inspected. **It is not mandatory for copies of documents to be made available at a physical location. They may be held available online.** Local planning authorities may be able to advise neighbourhood planning groups on suitable methods that will provide communities with access to physical copies of documents.”

It is still important that the Neighbourhood Planning (General) Regulations 2012 are followed with regards to consultation, however with consideration being given to the latest updated PPG as above during this time of uncertainty.

4. The Statement of Community Involvement and Recommended Methods of Community Engagement for Neighbourhood Plans

The Statement of Community Involvement (SCI) sets out how SDC will engage with local communities, businesses and other interested parties when developing and reviewing planning documents and determining planning applications. It also provides useful guidance to assist neighbourhood planning groups to undertake effective consultation. It is currently being updated in response to the Coronavirus pandemic, so that it is in accordance with updated NPPG guidance on Neighbourhood Plans. The SCI is available to view at www.stratford.gov.uk/sci.

In terms of Regulation 14 (pre-submission) consultations and Regulation 16 consultations, the SCI states that the Parish/Town Council must consult over a minimum six week period.

In deciding which consultation methods can or should be used, Qualifying Bodies and the Local Planning Authority should carefully consider which methods will be the most appropriate for the purposes of pre-submission consultation, taking into account current guidelines regarding face-to-face contact and social distancing, which are likely to change as the pandemic progresses.

Possible methods which could be used for Neighbourhood Plan consultations include the following:

Online engagement:

- Website, social media and email alerts
- Online questionnaires, comment forms and surveys
- Video conferencing meetings and workshops
- Virtual exhibitions

Face-to-face engagement (where and when permitted, in accordance with current Government requirements and regulations):

- Holding events, drop in's, informal meetings, exhibitions
- Visiting established groups if applicable
- Presentation to Community Forums (if timely)

Written/telephone notifications:

- Emails and letters to consultees who have requested notification, landowners, local businesses, SDC Councillors and town/parish councils
- Leaflets delivered to households, with details of the consultation and how to request consultation documents

- Consulting in writing or by telephone those who do not have access to the internet, where feasible and alternatives cannot be identified

Publicising consultations:

- Advertisements, Public Notices and news releases in the local press, including on the relevant website(s)
- Posters displayed in the locality
- Site notices (planning applications and site allocations)
- Parish and Partners briefings (online via video conferencing if face-to-face briefings are not feasible)
- Delivery of plan documents to households without access to the internet, with contact details of the Qualifying Body/Local Planning Authority provided
- Advertisements and public alerts on social media, such as Facebook and Twitter

Any consultation engagement/publication activities that involve activity outside the home – for example, the display of posters – must adhere to social distancing requirements as set out by the government at the time of consultation.

5. Further Guidance on Community Engagement during Covid-19

Targeting Individuals who are Shielding

It is important to ensure that the needs of people who are shielding during the Coronavirus pandemic and unable to leave their homes are accounted for when undertaking consultations for Neighbourhood Plans during the current pandemic, so that they have sufficient opportunity to be informed of and respond to the consultation.

You may wish to consider extending the consultation beyond the statutory six weeks, to allow greater opportunity for people to be made aware of and have time to respond to the consultation. You may also wish to consider allowing individuals to advocate on behalf of others to respond to the consultation, to allow those who do not have access to the internet to be able to share their views.

Use of Online and Social Media Tools

As previously detailed, a range of online and virtual consultation techniques can be used to engage people whilst face-to-face consultation is not possible. Video conferencing should be considered in order to undertake consultation events. It is also considered that online advertising should be used more extensively, for example using local Facebook or Twitter pages to publicise consultations. Noticeboards can also be used to advertise consultations, and advertisements can be placed in village shops/amenities if these facilities are accessible at the time of consultation.

A key component of any consultation is to keep an audit-trail of the various consultation activities and report these in the consultation statement. For online activities that are no longer live this may include screen-shots of published information.

Targeting Individuals without Internet Access

It is also important to ensure that those who do not have access to the internet are able to be notified of and engage with Neighbourhood Plan consultations. A targeted approach to consultation activities, such that vulnerable households are contacted individually (for

example, by post or telephone) with details of the consultation, may be considered appropriate. Hard copies of the Plan should be made available which can either be hand delivered or posted to those members of the communities who request a physical copy of the document, and contact details should be provided to allow people to ring for further information on consultations. Neighbourhood Plan Steering Groups should be prepared for any requests for hard copies of all documentation.

6. Further Information

Locality has produced guidance as to how Neighbourhood Planning groups can undertake Regulation 14 consultations safely and in accordance with the regulations brought in due to the Coronavirus pandemic. The guidelines are available at the following webpage:

<https://neighbourhoodplanning.org/about/planning-through-covid-19/>

For further advice on how to carry out consultation activities during the pandemic, please contact the Planning Policy team at: planning.policy@stratford-dc.gov.uk

Appendix 1: Relevant Excerpts of the 2012 Neighbourhood Planning Regulations

Regulation 14

Regarding the requirements for undertaking Regulation 14 (pre-submission) consultations and publicity, the Neighbourhood Planning Regulations set out that the following must be complied with:

"Before submitting a plan proposal to the local planning authority, a qualifying body must—

(a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—

(i) details of the proposals for a neighbourhood development plan;

(ii) details of where and when the proposals for a neighbourhood development plan may be inspected;

(iii) details of how to make representations; and

(iv) the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised;

(b) consult any consultation body referred to in paragraph 1 of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan; and

(c) send a copy of the proposals for a neighbourhood development plan to the local planning authority."

Regulation 16

For Regulation 16 (submission) consultations, the Neighbourhood Planning Regulations state that:

"As soon as possible after receiving a plan proposal which includes each of the documents referred to in regulation 15(1), a local planning authority must—

(a) publicise the following on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area—

(i) details of the plan proposal;

(ii) details of where and when the plan proposal may be inspected;

(iii) details of how to make representations;

(iv) a statement that any representations may include a request to be notified of the local planning authority's decision under regulation 19 in relation to the neighbourhood development plan; and

(v) the date by which those representations must be received, being not less than 6 weeks from the date on which the plan proposal is first publicised; and

(b) notify any consultation body which is referred to in the consultation statement submitted in accordance with regulation 15, that the plan proposal has been received."

Regulation 17A

For Regulation 17a consultations, the Local Planning Authority would follow broadly the same process as for Regulation 16 consultations when publicising the amendments to the NDP. This is as the Regulation 17a process is in effect a targeted Regulation 16 consultation on specific issues, to consult on proposed amendments to the Examiner's modifications. In addition, the Neighbourhood Planning Regulations state that for Regulation 17a:

"(1) This regulation applies where an examiner has made a report under paragraph 10 of Schedule 4B to the 1990 Act (applied by section 38A(3) of the 2004 Act) in relation to a plan proposal.

(2) The persons prescribed for the purposes of paragraph 13(1) of that Schedule are—

(a) the qualifying body;

(b) any person whose representation was submitted to the examiner of the plan proposal in accordance with regulation 17(d); and

(c) any consultation body which is referred to in the consultation statement mentioned in regulation 15.

(3) Representations invited under paragraph 13(1) must be submitted on or before the date which is the last day of the period of 6 weeks beginning with the day immediately following that on which the local planning authority first invited representations."