



Information Leaflet 16

Pre-Application Community Consultation Guidance

June 2014

1.0 Introduction

1.1 Engaging communities is an essential part of an effective and inclusive planning system. Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty upon prospective applicants for planning permission to consult the community in advance of submitting an application, where the development falls within the major category. Since this legislation is not due to commence until April 2015, the Department of the Environment (DOE) is keen to ensure that communities are actively involved in the current planning system at an early stage and throughout the process. This information leaflet therefore provides guidance on how pre-application consultation could be undertaken by prospective applicants for major applications on a voluntary basis prior to transfer.¹

2.0 Benefits of Pre-Application Community Consultation

2.1 The objective of encouraging an applicant to engage in the pre-application consultation process is for local communities to be better informed about development proposals and to have an opportunity to contribute their views before a formal planning application is submitted.

2.2 Although the statutory requirement for pre-application community consultation does not commence until planning powers have been transferred to councils, this guidance aims to encourage greater and more effective community engagement as part of the existing planning process. In so doing, it is hoped this will improve the quality of planning applications received; mitigate negative impacts where possible; address community issues or misunderstandings; and provide smoother and faster decision making. This will ultimately benefit the community, the prospective applicant and the environment overall.

3.0 Carrying Out Community Consultation

3.1 The level and extent of pre-application engagement should be proportionate to the scale and the complexity of the proposed development.

3.2 There are many ways in which communities can be effectively involved in proposals which may affect them. At its most simple level, a community consultation process should ensure that people:

- Have access to information
- Can put forward their own ideas and feel confident that there is a process of considering ideas

¹ The Minister of the Environment launched separate guidance on 2 April 2014 regarding Pre-Application Discussions which also highlights the importance of engaging with stakeholders early in the planning process.

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- Have an active role in developing proposals and options to ensure local knowledge and perspectives are taken into account
 - Can comment on proposals
- 3.3 To achieve this it is essential that prospective applicants understand the local communities who are most likely to be affected by the development proposal.

4.0 The Pre- Application Community Consultation Process

4.1 Applicants are advised to notify the relevant Area Planning Office² as to what form of community consultation they propose to undertake, when such consultation is to take place and with whom; and it is advisable that a period of at least 12 weeks should be allowed to undertake the community consultation before submitting their planning applications.

4.2 Pre-application consultation should involve at least one public event.

4.3 The Department would encourage prospective applicants to place an advertisement in the local press at least 7 days prior to the public event. The advertisement should contain:-

- a description of the proposed development and its location,
- the proposed date, time and place of the public event as well as details of where further information can be obtained,
- a statement on how, and by when, persons can make comment on the prospective application,
- a statement that comments made to the applicant are not representations to the Department and
- a statement that where the applicant submits an application there will be a further opportunity for representation to be made to the Department on the planning application.

4.4 The prospective applicant should also emphasise throughout that pre-application consultation is an additional process and does not take away the right of or need for formal views during the planning application procedure.

5.0 Who to consult?

- 5.1 Applicants for major development projects may wish to consider consulting the following groups of people, where applicable, within the local area and give careful consideration as to how they could reach those people most likely to be affected by the developments and who may wish to be involved in the process;
- local community groups;

² Area Office details can be found at http://www.planningni.gov.uk/index/about/about_contacts.htm

- individual residents within the local area and particularly neighbours likely to be notified of the planning application;
 - landowners / businesses within the vicinity of the site;
 - the District Council(s);
 - Government Departments;
 - Public bodies
 - local environmental groups;
 - voluntary groups
- 5.2 For the purposes of this guidance, the term 'community' should be taken in the widest sense and should include groups identified under section 75 of the Northern Ireland Act 1998 and all those with an interest in development in an area.
- 5.3 Local community workers or representatives and established local groups could provide useful contacts which may help reach out to the wider community to increase awareness of the pre-application consultation process.³ Prospective applicants may already have links with the local community which they can also utilise effectively.

6.0 Community Consultation Techniques

- 6.1 It is recognised that community consultation requirements will vary depending on the nature and scale of the planning proposal and the area in which the development is to be located. A range of consultation methods may therefore be considered more appropriate for some developments in a particular location than others. It is advisable therefore that prospective applicants use a variety of techniques to ensure that they access all sections of the community identified.
- 6.2 As mentioned in paragraph 4.3, the Department would recommend that, as a minimum, pre-application consultation should involve at least one public event. This event should have an open invitation and be advertised through the local press although it may also be helpful to inform residents within the vicinity of the proposal about the public event by way of a letter.
- 6.3 If consultation is to take the form of written documentation, prospective applicants should be aware that not everyone in every community will have the same level of understanding of planning issues and some may be better reached by a different approach. In addition therefore to the public event, the following techniques are also regarded as useful ways of engaging with local communities, where practicable;

³ Community Places is a voluntary charity organisation which provides advice on planning issues to individuals and communities across the region. They also independently facilitate public and community consultation on planning and public services issues.

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- smaller meetings with specific groups;
- a public exhibition or drop in session;
- workshops;
- circulation of a newsletter; brochure or pamphlets;
- use of the local radio or
- provision of information through a website.

6.4 These are suggestions only and are not intended to be exhaustive. Written comments from members of the community should also be accepted in addition to those opinions presented through the public event or in meetings. It is also advisable to record the discussion at each meeting or event and ask attendees to register their attendance on the day.

6.5 Opportunities for participation should be genuine, respectful and as inclusive as possible. For example, having regard to the timing and location of events can encourage greater attendance by different groups of people.

6.6 Venues should be local and accessible and the format of any event or meeting should allow for meaningful participation. Thought could also be given to the use of an independent facilitator to mediate between the local community and the prospective applicant.

6.7 There may also be occasions where applicants will need to consult with people who do not have access to a computer. Face to face meetings with such groups would therefore be encouraged where possible.

7.0 Information to Assist Local Communities

7.1 Local communities will require the necessary information to enable them to understand and respond to the development proposal. It would be preferable that proposals are sufficiently developed to allow for meaningful comment to be made although not so detailed that flexibility to amend the proposal has diminished.

7.2 A short document could initially be prepared by the prospective applicant specifically for local communities, summarising the proposals, outlining the matters on which the view of the local community is sought. It could also, as far as possible, describe the key aims and objectives of the proposal and explain what the potential impacts of the proposal might be. Where documents are being used they should be written in clear, accessible and non-technical language.

7.3 Applicants may wish to make this information available online, at any workshops or other events held by the applicant and could also be placed at appropriate localities (i.e. libraries) and sent to local community groups as appropriate.

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- 7.4 Graphic representations of the proposed development can help local communities understand and visualise the proposal. Local communities may need assistance to understand plans, drawings and any technical information.
- 7.5 Prospective applicants should be clear about what work has been done and what still remains to be done. This includes details of any Environmental Impact Assessment undertaken or planned. Pre-application consultation with local communities may also be helpful in identifying possible environmental impacts.
- 7.6 It is important that applicants explain the purpose of pre-application consultation, manage expectations and make it clear whether plans might be subject to change before submission to the Department.

8.0 The Pre-Application Community Consultation Report

- 8.1 Prospective applicants are encouraged to submit a pre-application consultation report together with their planning application. The purpose of the report is to provide details of the consultation that has been undertaken with the local community on the development proposal.
- 8.2 A good report would be a concise yet thorough assessment of the quality and extent of consultation activities that have taken place. It would also detail how comments received from the community were responded to indicating if any changes or mitigating measures have been included in the proposal.
- 8.3 The Department would encourage applicants to include the following details within their pre-application community consultation report:
- who has been consulted;
 - details of any community or residents' steering group(s) established;
 - what consultation was undertaken and when;
 - dates, venues and numbers attended for all consultation events and meetings;
 - details of how public events were made as accessible as possible to all members of the community;
 - evidence of the consultation, e.g. dates and copies of advertisements, reference to material made available at events, minutes of meetings, samples of letters / leaflets if applicable;
 - summary of the main issues/comments raised through the consultation and how they have been responded to;
 - details of any amendments to the proposal as a result of the consultation; and
 - details of any existing liaison arrangements, agreements with the local community or monitoring that is proposed during the construction and operational phases.

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8.4 The applicant's response to concerns raised by the community will form an important part of the report. As well as describing any amendments to the proposal, the report should also detail any re-consultation on these changes, issues which remain unresolved and/or issues which the applicant feels cannot be reasonably addressed. Pre-application consultation is likely to be more successful if the applicant makes significant efforts to open lines of communication with, and provide feedback to, the local communities and work with them to secure development proposals which are acceptable to everyone.

8.5 A prospective applicant may wish to consider producing a summary report aimed at the local community setting out the key findings and how they have been addressed together with a link to the full consultation report for those interested. This could, where practicable, be supplemented by further workshops, seminars or other events in the local area.

9.0 Conclusion

9.1 Applicants are strongly encouraged to engage with local communities at the pre-application stage. The timing and duration of consultation is likely to vary from project to project depending on its size and complexity and the range and scale of its impacts. For smaller scale proposals, a good approach may be for applicants to discuss their proposal with any neighbour who may be affected by the proposal before submitting their planning application.

9.2 It is important that prospective applicants understand the local communities who may be affected by the planning application and utilise a variety of methods to ensure that all sections of the community can engage effectively in the planning process as early as possible.

9.3 The benefits of pre-application community consultation have already been recognised by a number of applicants in the processing of major planning applications. Whilst local communities are provided with the opportunity to be better informed about development proposals early in the process, this in turn can help shape better quality, more accepted schemes and ensure improved outcomes for the community, the prospective applicant and the environment.

10.0 Review

10.1 The reform of local government will see responsibility for the majority of planning functions transfer to local councils in April 2015. The Department is currently consulting on subordinate legislation for pre-application community consultation. The new requirements under the Planning Act 2011 in relation to pre-application community consultation will be a vital aspect of the new regime. This guidance document will therefore be monitored and

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procedures reviewed as necessary to ensure that they remain current and relevant.