

North Hertfordshire Strategic Planning Project Board
Member Involvement & Public Consultation Protocol
– Updated June 2023



1. Large-scale development proposals will have a significant impact on the communities they are located in. It is therefore important that Councillors and other key elected representatives are introduced to proposals early on in the process so that they understand them and can contribute to the design and engagement process. Communities should have genuine opportunity to engage with and influence the development of proposals. This paper sets out who will be consulted at which stage of the masterplanning process and how.
2. This paper builds upon the masterplanning principles first approved by Cabinet in March 2021. This protocol relates primarily to pre-application Strategic Masterplans for the Strategic Housing Sites identified by Policies SP14-SP19 in the Council's adopted Local Plan.
3. Where planning applications are (to be) submitted, engagement will follow normal planning consultation processes and should be undertaken in line with the Council's adopted Statement of Community Involvement but this advice will be applied / followed as relevant in each instance.
4. All engagement with elected Member will be subject to the normal principles that apply under their Code(s) of Conduct and the Planning Code of Good Practice (as may apply). In particular specific issues may arise on interests (Disclosable Pecuniary Interests ('DPIs') and any Other Registrable Interests) and Members should not be directly involved in any of the informal or decision making processes where they have such an interest, without seeking advice from the Council's Monitoring Officer and where relevant obtaining a dispensation to do so.

Stages 1-10 Project Board

5. Councillors from the main political groups will be represented on the Strategic Planning Project Board. This officer and member group will allow for project briefing and feedback on proposals through the staged Strategic Masterplan process.
6. The Project Board's Terms of reference set out the membership, core functions and roles in this process. Councillors on the Project Board will act as 'champions' for high quality design and place leadership in new communities and new development and will be responsible for feeding back information to other relevant individuals and groups including their own political groups.

Stage 4 Masterplan Options

7. At this stage the masterplanning guidance requires a stakeholder workshop to be undertaken. This will secure engagement from local councillors. Where relevant, engagement will be required with representatives of the neighbourhood forum for any emerging or adopted Neighbourhood Plan.
8. The Strategic Sites Steering Group will work with the Community Engagement team to undertake a mapping exercise and identify the following individuals to represent the local community at a stakeholder workshop
 - ward members
 - county division councillors
 - parish councillors
 - representatives from adjoining wards / divisions / parishes where proposals are located close to administrative boundaries or otherwise anticipated to have a significant impact on adjoining communities
 - any other community representatives
 - any other identified stakeholders
9. This workshop, which could well be held online, would involve a presentation from officers and the landowner team on the key issues to address in the Strategic Masterplan and emerging options. A question-and-answer session would then be facilitated to secure input to the options. A minute of this meeting would be made available.
10. In terms of other roles held by ward members such as Planning Control Committee members, as long as the Code of Conduct requirements on Interests (see above) and the probity rules of predisposition and predetermination are respected (see below) are followed, this workshop will be a useful forum to input local views and shape the Strategic Masterplan proposals.

Stage 7 Draft Strategic Masterplan

11. At this stage the masterplanning guidance requires a further stakeholder workshop with the same membership as set out above. Dependent on the issues and / or extent of matters requiring resolution, this workshop could be held at this stage if required or could be undertaken after the public consultation (see below). This will be decided on a project-by-project basis.

Stage 8 Public Consultation

12. Developers will be expected to engage meaningfully with the local community on their Strategic Masterplan. This should include 'hard to reach' groups. The masterplan guidance requires at least 1 focused public consultation event. The exact nature and timing of this would be agreed with the Council and landowner team on a project-by-project basis.

13. It will be important that this event is not a promotion exercise but a genuine engagement. This will include providing baseline information with maps and diagrams that shows an understanding of the place, its constraints and opportunities and emerging design options to show the community for them to comment on and inform further design evolution.
14. Presenting a fait accompli will not be supported. How the graphics are presented will be important in this respect. The consultation should provide meaningful choice based upon realistic alternatives. However, it may be appropriate for the consultation to identify 'preferred options' either on specific issues or for the site masterplan as a whole.
15. The Strategic Sites Steering Group will liaise with the Community Engagement team to identify the relevant community representatives to involve in scoping and agreeing the nature, venue and timing of this event.

Stage 10: Approval by Cabinet and Full Council

16. Under Policy SP9, there are different potential routes for approval. More information is contained in the SP9 Approval Process note which should be read alongside this advice.
17. Where masterplans are presented to Cabinet and Full Council, Members will have the opportunity to participate in public debate and a formal decision upon the proposal. It is therefore important that whilst Board Members or those participating in the workshops can show a predisposition to an outcome, they should not commit themselves publicly in advance to voting one way or another (see below).

Engagement with Planning Control Committee

18. Involving Planning Control Committee members in the development of strategic schemes through the planning process (recognising their potential dual role as both planning committee member and, where relevant, local ward representative) is best practice and has been promoted by the public and private sector over the past decade.
19. The most open and transparent way of conducting this is a presentation at the Planning Control Committee meeting and could be undertaken where it is anticipated that a masterplan will be approved as part of the planning application or following receipt of a relevant application for which a pre-application masterplan has been approved.
20. In terms of probity there can be a reluctance to secure member involvement because of the perceived risk of members expressing a view and thereby excluding themselves from further involvement. In this respect understanding the difference between predetermination and predisposition is important.

21. **Predetermination** is where the impression is given that a Councillor has made up his/her mind in advance of the planning committee meeting- they have a closed mind and are not open to new arguments
22. **Predisposition** is the expectation that Members will be pre-disposed to good design, sustainable transport, the delivery of their affordable housing policies etc. The essential purpose of Planning Control Committee members is to deliver the Council's planning policies and secure the best outcomes for existing and future residents.
23. In a pre-application meeting, it is therefore perfectly acceptable for members of the Planning Control Committee to express their views on elements of a development provided they do not express a view on the development as a whole being approved or refused. They are expressing their predisposition but are not pre-determined.
24. A suggested approach by the Planning Officers Society is as follows:
 - A brief introduction by officers
 - Developer Presentation (including the outcomes of any community engagement)
 - Members Q and A
 - Officers summing up the main points raised by members which would form the minute record of the meeting.
25. Officers are currently reviewing approaches to Planning Control Committee's consideration of large-scale applications. This recognises that the adoption of the Local Plan will result in a significant increase in both the scale of sites and schemes that will need to be considered and planning activity generally when compared to the Committee's role over the last 10-20 years.

Engagement with Area Forums

26. The Council's Constitution presently allows the Council's Area Forums to receive any presentations from developers on major planning applications for 100 dwellings or above and provide comments accordingly.
27. Any engagement with Area Forums should follow the same principles and guidelines as for the Planning Control Committee above. The approach to engagement with the Area Forums will be considered as part of the review identified in Paragraph 25 above.