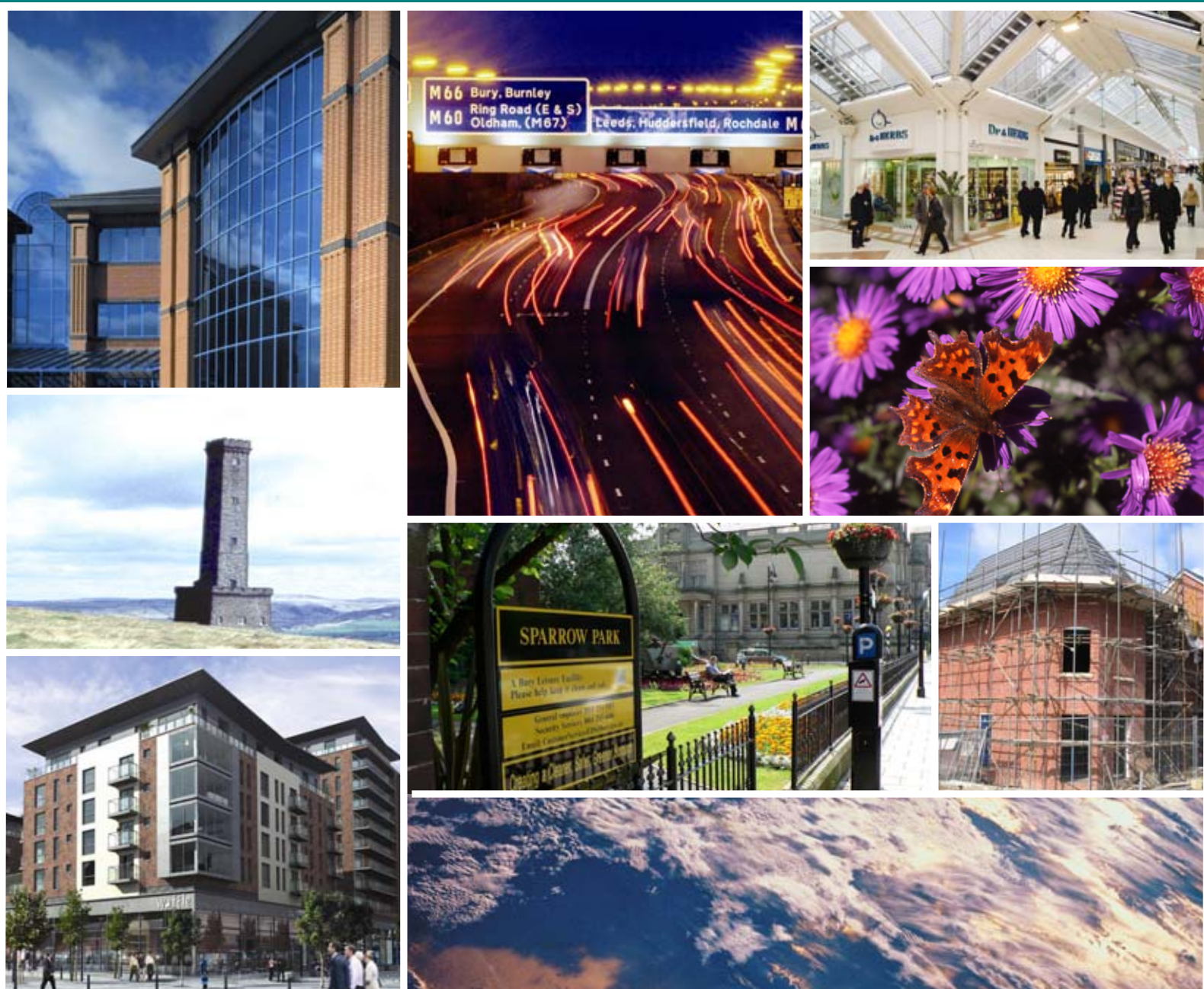


# STATEMENT OF COMMUNITY INVOLVEMENT

ADOPTED DECEMBER 2009



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## APPENDIX 1 – CONSULTEES ON THE LDF FURTHER INFORMATION

## PREAMBLE

This document represents the Council's Statement of Community Involvement, which replaces the previous version adopted in 2006. The Council took the decision to revise the document as the Government has introduced a number of changes to the development planning process through legislation in the Planning Act 2008 and associated revised Regulations, together with revised guidance in a new Planning Policy Statement 12 on Local Spatial Planning.

It was considered necessary to update the Statement of Community Involvement so that it is consistent with the new legislation and so that it can be demonstrated that the Council has followed the correct consultation requirements in progressing the preparation of its Development Plan Documents (DPDs) or when inviting comments on planning applications.

The Council carried out a 4-week public consultation exercise on a draft version of the Statement of Community Involvement from 14 September to 12 October 2009. The comments received have been analysed and minor changes have been made where appropriate. A consultation statement summarising the comments and officer responses is provided separately. The Council elected to adopt the document at the Executive Committee of 2 December 2009.

## 1. INTRODUCTION

- 1.1 This Statement of Community Involvement (SCI) has been prepared as part of Bury's Local Development Framework (LDF). It sets out how the Council intends to involve the community in the preparation, alteration or revision of the various components of the LDF and in the decision-making process for planning applications.
- 1.2 It is considered that all elements of the community have a significant role to play in the planning of Bury. The term 'community' embraces all and includes local residents, businesses, organisations, landowners, developers, statutory agencies and interest groups. To ensure a transparent and open planning process, which enjoys the support of the general public and involves local people in planning the future of their communities, people need to be involved in the early stages of Plan preparation. The Council will comply with the requirements for consultation set out within this SCI for all future LDF documents.
- 1.3 Bury's SCI has been produced taking into account the requirements of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended in 2008 and 2009), Government guidance in Planning Policy Statement (PPS) 1 - 'Delivering Sustainable Development' and PPS12 - 'Local Spatial Planning' and the 'Plan Making Manual' on the Planning Advisory Service (PAS) website. The regulations and policy guidance can be viewed on the website of the Department of Communities and Local Government (DCLG) at [www.communities.gov.uk](http://www.communities.gov.uk).
- 1.4 In addition, it also takes into account the specific needs and characteristics of the Borough and seeks to involve representatives of all those interested in the planning of the Borough, including disadvantaged people and those groups that are traditionally hard to reach via the more conventional methods of consultation.
- 1.5 The aim of the process of continuous community involvement in the new planning system is to produce consensus, so far as possible, on the form and content of any Local Development Documents (LDDs) that the Council prepares. Where this is successful in relation to the preparation of Development Plan Documents (DPDs), it will help to minimise the need for a lengthy and controversial examination process.
- 1.6 By involving the local community at an early stage and throughout the preparation of LDDs, it is the Council's intention to achieve a greater sense of public ownership and influence over the planning policies that will affect the future development of the Borough.



**Previous SCI (adopted March 2006)**

- 1.7 The Council's formerly adopted SCI was subject to an independent examination held in January 2006 by a Government-appointed Inspector in order to determine its 'soundness'. The Inspector reported his findings to the Council on the 10 February 2006. The recommendations in the Inspector's Report were binding upon the Council and all recommendations were incorporated into the SCI, which was adopted by the Council's Executive Committee on 22 March 2006.

**2009 review**

- 1.8 The Consultation draft document published in September 2009 represented a review of the March 2006 adopted SCI and was carried out not only to ensure the information is in line with new government guidance and regulations, but also to ensure it is up-to-date and remains a useful and effective tool to residents and developers.
- 1.9 Through the enactment of the Planning Act 2008, the Government has made a number of reforms to the Planning and Compulsory Purchase Act 2004 with the aim of simplifying and speeding up the process of preparing plans. An update to national guidance in PPS12 was also published in September 2008.
- 1.10 The new Regulations came into effect on 6<sup>th</sup> April 2009 and the key amendments can be summarised as follows:
- Removal of the Preferred Options stage for DPDs, introducing a flexible participation stage as appropriate to the issues covered by the DPD, and a 'Publication' version;
  - Removal of the requirement for the SCI to be subject to independent examination and to be listed in the Local Development Scheme (LDS);
  - Removal of the requirement for Supplementary Planning Documents (SPDs) to be subject to sustainability appraisal (except in cases where the appraisal of the parent DPD has not covered all issues) and to be listed in the LDS.
- 1.11 Revised guidance has been published in Planning Policy Statement 12 (PPS12) on what should be incorporated into an SCI to help engage the public, developers and any other interested party in the development of their area. The main additions that were not covered in the adopted SCI include:
- Details of how diverse sections of the community are engaged, in particular under-represented groups;
  - Identify which umbrella organisations and community groups need be involved at different stages of the planning process, with special consideration given to those groups not normally involved;
  - The Council's approach to community involvement in planning obligations;

- Information on how the SCI will be monitored, evaluated and scrutinised at the local level.
- 1.12 Under the provisions of new Regulation 26, the Council sent a letter to selected consultees on 18 June 2009 to inform them of the intention to prepare an update to the adopted SCI. The letter was sent to bodies selected from the LDF consultation database including relevant authorities in the local area, general consultation bodies defined in the Regulations, the regional planning body and other local bodies as appropriate. Initial comments were invited on what the revised document could include by 10 July 2009. 6 representations were received and comments were incorporated into the draft document where appropriate. A summary of the comments and Council responses is detailed in the Consultation Statement produced separately.
- 1.13 A consultation draft was produced by the Council clearly showing the revisions made to the March 2006 SCI and was subject to a 4-week consultation phase from Monday 14 September until Monday 12 October 2009. Letters were sent out to consultees on the Council's LDF database as considered appropriate, an advert was placed in local newspapers and the document was published on the Council website and put on deposit at the Planning department offices and all local libraries in the Borough. 15 representations were received and any suggested changes have been made where appropriate. The SCI consultation statement includes a summary of the comments received and officer responses to them.
- 1.14 This SCI was adopted after Members approved the document at the Executive Committee meeting on 2 December 2009 and this therefore replaces the March 2006 version.

## 2. COMMUNITY INVOLVEMENT IN THE PLANNING PROCESS

2.1 PPS12 requires SCIs to follow the Government's principles for community engagement in planning. These stipulate that involvement should be:

- **Appropriate** to the level of planning;
- **From the outset** – leading to a sense of ownership of local policy decisions;
- **Continuous** – part of an ongoing programme, not a one-off event, with clearly articulated opportunities for continuing involvement;
- **Transparent and accessible** – using methods appropriate to the communities concerned;
- **Planned** – as an integral part of the process for making plans.

Picture 2.1



2.2 The Council recognises that community involvement in all areas of planning can bring significant benefits as indicated below:

- **strengthening the evidence base for plans, strategies and planning decisions** – stakeholders and local communities can bring a different perspective to planning, and will be valued for their expertise, opinions and insight;

- **community commitment to the future development of an area** – local people can make a difference in their area, with long-term benefits;
- **promoting regeneration and investment** – by publicising proposals and inviting the involvement of stakeholders and local communities, the Council can demonstrate its commitment to improving areas and facilitating joint working to achieve better quality outcomes; and
- **fostering ownership and strengthening delivery** – many elements of the local development framework will require joint working between the Council, local communities and stakeholders. The Council believes that by involving communities at an early stage of document preparation ('frontloading') it will help to resolve issues, thereby avoiding the need for lengthy independent examinations.

2.3 The following sections go on to outline the consultation methods and opportunities for community involvement that the Council intends to pursue in both the Local Development Framework and during the processing of planning applications.



### 3. THE LOCAL DEVELOPMENT FRAMEWORK

3.1 LDFs will comprise various **Local Development Documents (LDDs)**. There are two main types of Local Development Document:

- **Development Plan Documents (DPDs)** that have been subject to independent examination and have the weight of development plan status as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004; and
- **Supplementary Planning Documents (SPDs)**, which are not subject to independent examination and do not have development plan status although they will constitute a material consideration in respect of decision-making.

3.2 Bury Council is intending to prepare the following Development Plan Documents:

- i. **Core Strategy** – This will set out the broad distribution of development for the Borough, supported by primary policies and designations together with a limited range of development control policies.
- ii. **Greater Manchester Joint Waste DPD** – Including detailed development control policies and the identification of sites and preferred areas for a range of waste management facilities. The Greater Manchester Geological Unit (GMGU) will lead the production of the document on behalf of the 10 local authorities across Greater Manchester;
- iii. **Greater Manchester Joint Minerals DPD** – Including detailed development control policies and the identification of sites and preferred areas for a range of minerals issues. The Greater Manchester Geological Unit (GMGU) will lead the production of the document on behalf of the 10 local authorities across Greater Manchester;
- iv. **Site Allocations DPD** – To set out detailed policies for site-specific allocations of land; and
- v. **Proposals Map** – Illustrating the geographical extent of policies and proposals.

**Please note:** Local authorities may also prepare Area Action Plans (AAPs) as part of their LDF, although the Council have none programmed at present. AAPs can be used to provide the more detailed planning framework for specific areas where significant change or conservation is needed.

- 3.3 In addition, the Council will be preparing a range of Supplementary Planning Documents to include the following:
- i. **Policy guidance notes** to provide additional guidance on the implementation of particular policies;
  - ii. **Masterplans and development area guidance** to provide additional guidance for broad areas of the Borough where change is envisaged such as town centres; and
  - iii. **Development briefs** to provide advice and guidance on the development of specific sites.

### **Who will be consulted?**

- 3.4 In preparing LDDs, the Council will seek to constructively engage the local community. Where a number of documents are being prepared at the same time, the Council will seek to combine their respective consultation exercises. The following measures highlight the more formal approaches that the Council will adopt. In addition to these formal approaches, the Council will engage a wide variety of stakeholders (including individuals, businesses, groups, developers, landowners and other organisations) by mailing those that are contained within the Council's development plan database as well as through general awareness raising exercises via press releases, public displays and exhibitions. Depending on the nature of the LDD, the Council may target specific groups or individuals in order to draw upon their expertise.

### **Local Strategic Partnership – Team Bury**

- 3.5 Team Bury is the Local Strategic Partnership (LSP) for the Borough. It brings together representatives from the voluntary, community, public and business sectors who work co-operatively to deliver the ambitions set out in the Council's Community Strategy.
- 3.6 The LSP is underpinned by a network of partnerships which are part of the overall structure and involve groups that deal with specific issues such as crime, health, learning, housing, environment, culture and the economy.
- 3.7 The LSP also provides a mechanism for joint working through the Community Strategy and all LSP partners, such as Bury NHS, Job Centre Plus and Bury College are committed to working together to make the plan a reality. The LDF will look to carry forward the land use and spatial implications of the Community Strategy.
- 3.8 As part of the consultation process for LDDs, the Council will seek to utilise the existing LSP network as a forum for discussion and consultation, and will

consider the need for a specific sub-group on LDF matters to be formed as part of the LSP structure.

#### **Members' Panel and LDF Scrutiny sub-group**

- 3.9 Members' Panel meetings will be organised, as appropriate, comprising both Council Officers and selected Members in order to allow for informal discussion and debate during the early stages of the preparation of LDDs. It is intended that representatives of the LAPs could also attend the seminars. These meetings will have a dual function in that they will enable both the dissemination of information on the preparation and progress of LDDs as well as allowing discussion around the main issues involved in each document.
- 3.10 Under the Economy, Environment and Transportation Scrutiny Commission a selection of Members will also attend a sub-group where officers will present early drafts of LDDs, in order to invite Members to provide any comments prior to the document going before the Council's Executive.

#### **Local Area Partnerships**

- 3.11 The Local Area Partnerships (LAPs) have replaced the Council's previous Area Boards, and operate within the Team Bury LSP structure. They have been created to promote engagement and partnership at the local level, and their aim is to improve the quality of life and achieve better outcomes by ensuring that service providers meet community needs.
- 3.12 There are six LAPs covering the areas of Ramsbottom, Tottington & North Manor; Bury West; Bury East; Radcliffe; Whitefield & Unsworth and Prestwich. Each LAP is chaired by a local councillor and supported by a LAP manager. Membership usually consists of the local ward councillors along with representatives of service providers such as the Police, Schools, Voluntary Sector and Health Services together with more localised community groups and interests in each area.
- 3.13 The Council will conduct consultations and/or information sharing with local communities on LDF matters through the LAPs.

#### **Hard to Reach Groups**

- 3.14 It is recognised that it is important to involve hard-to-reach groups in the planning of the Borough. Such groups can include ethnic minorities, those with special needs or others who have traditionally been excluded from the decision-making process such as young people and the elderly. People have different levels of access to information and some find it harder than others to engage in decision-making. This may be because information is not reaching them or the means of involving them is not effective. The Council will aim to use a variety of methods to relay information, generate discussion

and engage those that are traditionally hard to reach. For example, all components of the LDF will contain the Language Line logo and details of how to obtain a translation service written in the most commonly used languages in the Borough. In addition, the Council has a good working relationship with the Bury and District Disabled Advisory Council (BADDAC) Access Community Interest Company and youth groups and these can be engaged during the preparation of the various components of the LDF. The Council will also have regard to the requirements of the Race Relations (Amendment) Act 2000 to promote racial equality and the Disability Discrimination Act 1995.

**Picture 3.1**



### **Community groups and organisations**

- 3.15 The Council will respond to requests from community groups and organisations by undertaking presentations or discussion forums, as appropriate. In doing so, the Council hopes to be able to exploit significant areas of expertise and local knowledge. The Council may also, where possible, utilise umbrella organisations such as Bury Third Sector Development Agency (B3SDA) and the Asian Development Association of Bury (ADAB) in order to try and engage with a wide range of community groups.

### **Methods of consultation**

- 3.16 In order for people to contribute towards the preparation, alteration or review of any LDDs, the Council will operate numerous methods of

consultation in order to ensure that local community participation is as wide-ranging and productive as possible. The following main methods of consultation will be employed by the Council:

#### **Consultation database**

- 3.17 During the consultation process for the previous UDP, the Council has been able to establish a comprehensive database that contains a wide range of individuals, businesses, organisations and groups that have expressed an interest in, or have responded to, previous consultation exercises involving the development planning process. The database entries for the community include those which represent the categories of consultee identified at Appendix 1. This database will be used as an integral part of future consultation and community participation exercises and will continue to be used as the basis for producing letters that will inform recipients of relevant stages in LDD preparation.
- 3.18 New respondents and people expressing a wish to be kept informed as to the progress of LDDs will be added to the database. Those who wish to add or amend their contact details may do so by contacting the department using one of the following methods:

#### **By post:**

**Planning and Transportation Policy  
Environment and Development Services  
Craig House  
5 Bank Street  
Bury  
BL9 0DN**

**Tel: 0161 253 5550**

**Fax: 0161 253 5290**

**E-mail: [planning.policy@bury.gov.uk](mailto:planning.policy@bury.gov.uk)**

#### **Public exhibitions and displays**

- 3.19 Publicity material will be made available within the Planning Reception area, the Town Hall and all of the Borough's libraries throughout normal office hours during the various stages in the preparation of LDDs. This will include posters, leaflets, relevant documentation, comment forms, and also exhibitions where appropriate. This is considered to be an effective way of extending the preparation of LDDs into the public domain.

#### **The Council's LDF website**

- 3.20 Increased levels of access to the Internet means that this is now an effective method of making all relevant documentation available to the public. The



Council will place all documentation relating to the preparation of LDDs on its LDF website at:

[www.bury.gov.uk/Environment/Planning/Consultations.htm](http://www.bury.gov.uk/Environment/Planning/Consultations.htm)

- 3.21 Details of the consultation procedures will also be made available on the web site. In addition, the Council will be accessible to the public via e-mail that can be used to request any information or documentation in relation to LDD preparation. The Planning and Transportation Policy Section can be contacted via e-mail at [planning.policy@bury.gov.uk](mailto:planning.policy@bury.gov.uk).

#### **Local press**

- 3.22 The Council will place public notices and press releases in the local press in order to publicise the progress of LDDs and, in particular, the various periods of public consultation.
- 3.23 In addition, and where appropriate, the Council will publicise the LDF process via the Council's own 'Our Voice' newsletter that is delivered extensively to households throughout the Borough, as well as the 'Team Talk' publication sent to council employees in order to promote awareness across departments.

#### **Opportunities for community involvement**

- 3.24 The following section highlights the various opportunities for community involvement during the preparation of the various LDDs that comprise the LDF, namely with regard to:
- a) Statement of Community Involvement;
  - b) Development Plan Documents; and
  - c) Supplementary Planning Documents.
- 3.25 The minimum requirements for community involvement are stipulated through the Town and Country Planning (Local Development) (England) Regulations 2004, as amended in 2008 and 2009. Regulations 25, 27 and 28 apply to development plan documents and Regulation 17 and 18 to supplementary planning documents.

#### **Sustainability Appraisal**

- 3.26 In preparing DPDs, the Council must undertake a sustainability appraisal that incorporates the requirements of the EC Strategic Environmental Assessment Directive. The appraisal will assess the social, environmental and economic effects of policies and proposals as the DPDs are produced. The aim is to ensure that decisions help contribute to the achievement of sustainable development. The sustainability appraisal will take place alongside the

preparation of the DPDs and there will be opportunities for consultation at key stages in the preparation of the appraisal.

3.27 In undertaking sustainability appraisals, the Council will:

- Consult key stakeholders on the scope of the sustainability appraisal;
- Consult key stakeholders and the public as part of public participation in preparation of the DPD and make initial sustainability appraisal work available; and
- Undertake public consultation on the sustainability appraisal report along with the Proposed Submission DPD.

**a) Statement of Community Involvement (SCI)**

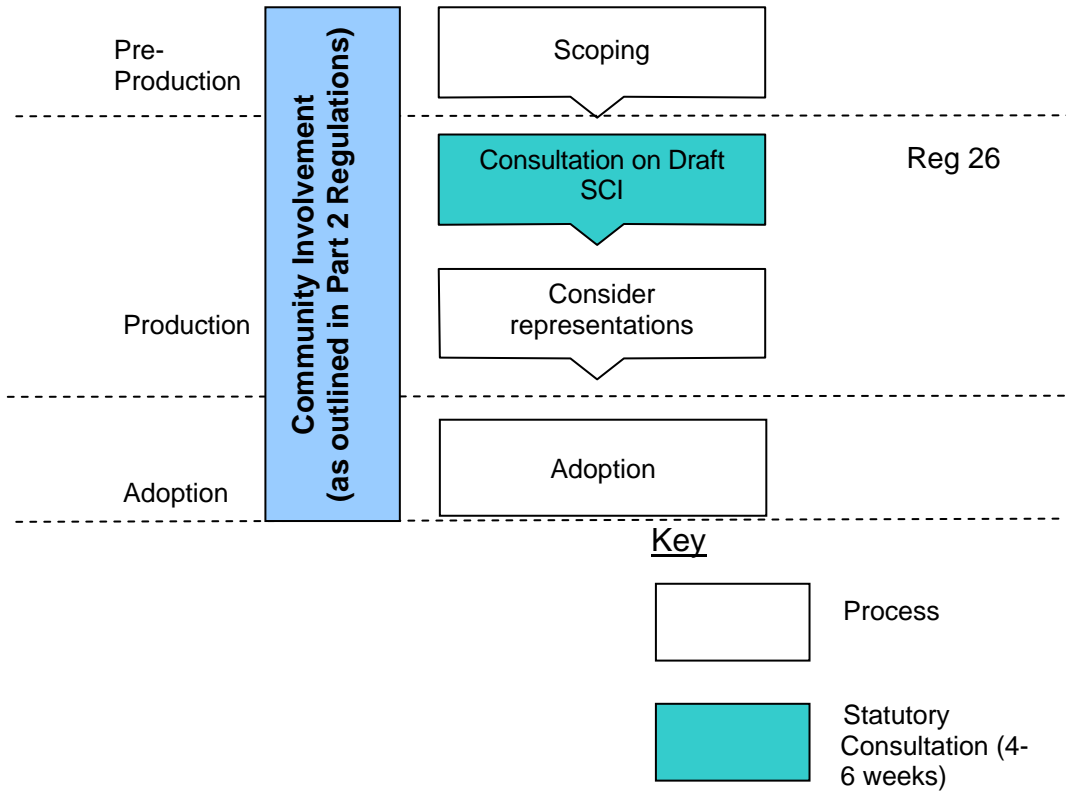
3.28 This is an LDD that is not part of the development plan, is not subject to independent examination, nor to sustainability appraisal. Figure 1 below describes the SCI preparation process.

**Draft SCI consultation**

3.29 During the preparation of the draft SCI, the Council will undertake informal consultation in accordance with Regulation 26. This will involve consultation with the regional planning body, adjoining local authorities, Government Office for the North West and other general consultation bodies that the Council considers appropriate (see Appendix 1).

3.30 Having taken account of any comments raised during consultation with the above, the Council will then publish a draft version of the SCI which will then be subject to a formal period of consultation of 4 to 6 weeks in accordance with Regulation 26. To advertise this period of consultation, the Council will publish a press notice and make the relevant documents available in the Planning Reception area, the Town Hall reception and all local libraries in the Borough as well as on the Council's web site.

Figure 1 – The Statement of Community Involvement process



**b) Development Plan Documents (DPD)**

- 3.31 Minimum levels of consultation on DPDs are determined by Regulations 25, 27 and 28 of the Town and Country Planning (Local Development) (England) Regulations, as amended. Set out below are the key stages of DPD preparation, against which the Council has set out how it proposes to involve the community.

**Participation in preparation of the DPD**

- 3.32 Government guidance in PPS12 and recent changes to the regulations have advised that the extent of consultation undertaken for DPDs should be proportionate to the scale of issues involved in the plan. For example, the level of consultation carried out in the preparation of a Core Strategy would be expected to differ markedly from that of an Area Action Plan. The Council will therefore engage the community on an informal and ongoing basis using specified consultation periods, as appropriate, in order to contribute towards the preparation of the DPD. Throughout this stage, the Council will involve all relevant organisations, interest groups and individuals. This period of initial consultation is a key stage in the preparation of DPDs as it enables people to put forward their own ideas and to actively participate in developing proposals and options.
- 3.33 Public consultation during this period of DPD preparation will be undertaken in accordance with Regulation 25 in that the Council will consult each of the specific consultation bodies to the extent that the Council thinks that the DPD affects the body and such of the general consultation bodies as considered appropriate (see Appendix 1). In any given consultation period, any party may make representations and relevant documents will be available at the planning reception, Town Hall, libraries and on the Council website.

**Proposed submission document**

- 3.34 Before the Council submits a DPD to the Secretary of State it will publish a 'Proposed Submission' version, in order for representations relating to issues of soundness to be made. The period for representations that follows publication of the Proposed Submission DPD will be in accordance with Regulation 27, and will normally be 6 weeks but can be longer if the Council feels this is appropriate. Representations at this stage should relate to the 'soundness' of the document, and these will then be passed to the Secretary of State together with the Submitted DPD for consideration as part of the submission material.

3.35 At this stage the Council will:

- publish the Proposed Submission DPD, sustainability appraisal report, proposals map if appropriate and statement of representations\* and seek comments over a minimum 6-week period;
- place any documentation identifying the Proposed Submission DPD on the Council's website together with any supporting information which is needed to enable people to understand what they are being asked to comment upon and state where and when the documentation can be inspected;
- make all the relevant material available for inspection at the Planning Office reception, at the Town Hall and all local libraries for the whole of the 6-week period for which it is open to comment;
- send copies of the relevant material to the general consultation bodies and specific consultation bodies in accordance with the Regulations;
- utilise the Council's development plan consultation database to issue letters to all entries advising them of progress; and
- advertise in at least one local newspaper where and when the relevant material can be inspected, how copies can be obtained, what is the closing date for representations and where to send any representations.

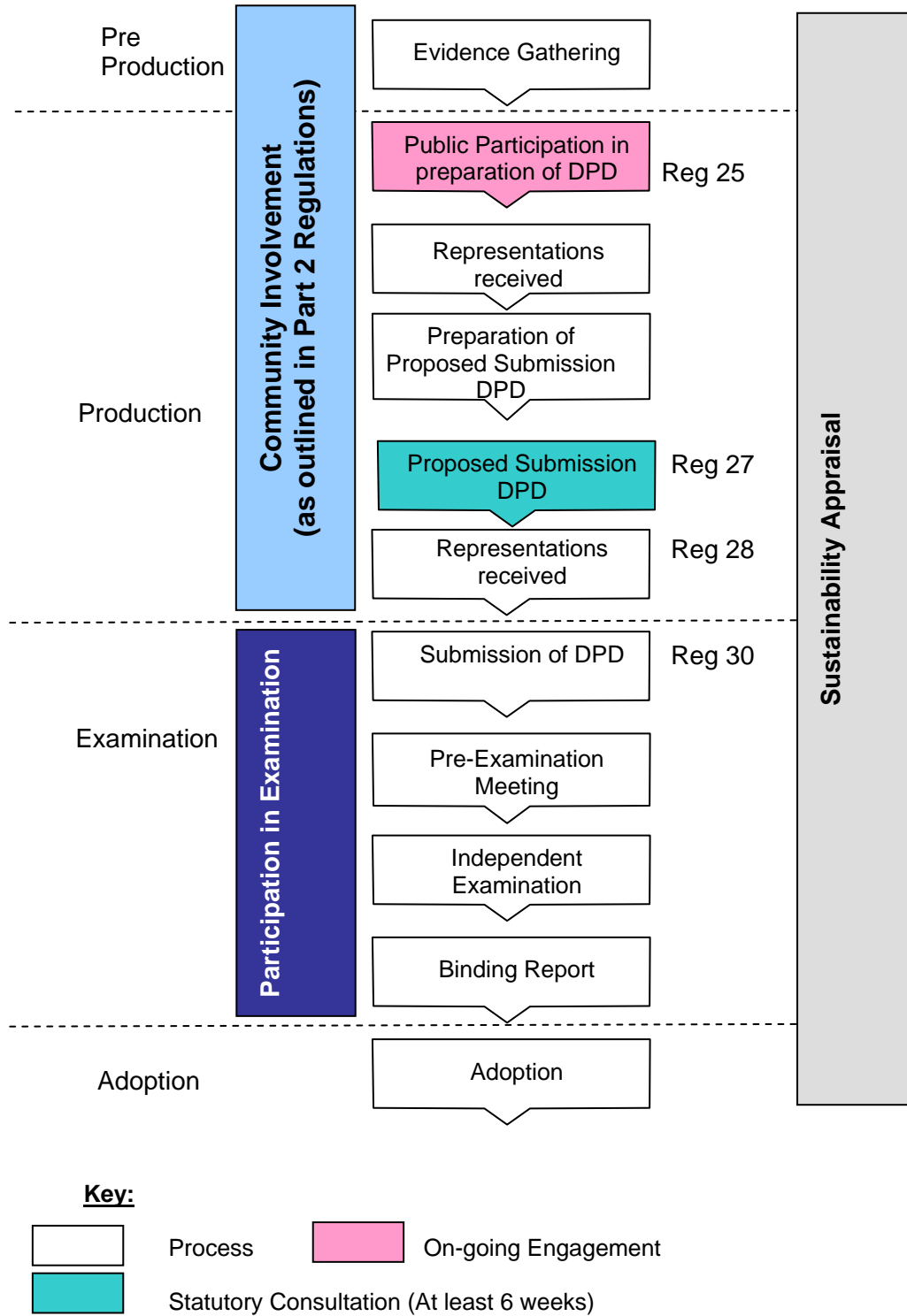
\*This statement will enable respondents to include in their representations a request for notification of any of the following: (i) the submission of the DPD for examination (ii) the published Inspector's Report and (iii) the adoption of the DPD.

- 3.36 During this period, Council Officers will be prepared to attend meetings, where appropriate requests are made, to discuss the content of the Publication DPD. Where the issues are more locally defined such as in an Area Action Plan, the Council may also attend local residents meetings, where appropriate, early in the consultation period.
- 3.37 Officers will compile a summary of all representations made during the Regulation 27 formal period, together with copies of those representations, and will append these to a Regulation 30 Statement of Consultation for consideration by the Secretary of State after submission.
- 3.38 When preparing this statement, the Council will decide whether there is a need to make changes to the document as a result of the comments received. The Government advise that the Council should consider the Proposed Submission version of a DPD to be sound when published, although it is accepted that amendments may need to be made in some cases. Depending on the degree of change that is required, there are a number of 'mitigating actions' the Council may take which are outlined below:



- 'Minor'/'Editing' changes e.g. ensuring references made to documents are up to date, will not require any consultation and can be listed as part of an attached schedule to accompany the submitted DPD.
- 'Focused' changes to a small section of a DPD e.g. on affordable housing, can be tackled with the preparation of an addendum together with an additional consultation on this, the documents from which would accompany the submitted DPD.
- 'Extensive' changes – These may result from representations which, in the Council's opinion, question the soundness of a DPD. In this case it may be considered that the DPD should be revised, subject to public consultation on the amendments under Regulation 25 and published again under Regulation 27, together with a new sustainability appraisal report. Original objectors would then be invited to comment, and indicate whether their representation still stands or it is to be withdrawn.

Figure 2 – The Development Plan Document process



**Submission of DPDs**

3.39 This is the Council’s intended final version of the DPD and this will be submitted to the Secretary of State in accordance with Regulation 30. At this stage the Council will submit one paper copy and one electronic copy of the following documents:

- the DPD
- Sustainability Appraisal report
- submission proposals map, if appropriate
- consultation statement (relating to Regulation 25 consultation)\*
- consultation statement (relating to Regulation 28 consultation)\*
- representations received as part of Reg 28 consultation\*\*
- supporting documents relevant to the production of the DPD\*\*

\* As defined in Regulations 30(1)(d) and 30(1)(e) respectively

\*\* Electronic copies need only be submitted if practicable

3.40 The Council will again exhibit material in the Planning Reception area, the Town Hall and all local libraries in the Borough as well as on the Council’s web site and will contact all entries on the consultation database. The table below shows how each of the documents will be made available, according to the requirements of Regulation 30.

Documents	Planning reception/ Town Hall/ libraries	Website	Local press	Specific bodies	General bodies	Persons wishing to be notified
DPD	•	•		•		
SA Report	•	•		•		
Proposals Map	•	•		•		
Consultation (Reg 25)	•	•		•		
Consultation (Reg 28)	•	•		•		
Representations	•	•				
Supporting documents	•	•		•		
Statement of matters		•		•	•	•
Press notice			•			

- 3.41 It should be noted that the specific consultation bodies will receive only those supporting documents that the Council believes is relevant to them. 'Persons wishing to be notified' refers to those persons who expressed a desire at the Publication stage to be contacted when the DPD is submitted to the Secretary of State.

### **Examination**

- 3.42 The independent examination will assess the 'soundness' of the DPD having particular regard to PPS12 tests of whether the document is justified, effective and consistent with national policy. The presumption will be that the DPD is sound unless it is shown to be otherwise as a result of evidence considered at the examination.
- 3.43 The Government expects a majority of representations to be dealt with at the examination in a written format. Written representations carry equal weight to those presented verbally at the examination. For those wishing to exercise their right to be heard, the Inspector will determine whether the representation should be heard by way of a round table discussion, an informal hearing or a formal hearing.

### **The Inspector's Report and Adoption**

- 3.44 Following the examination the Inspector will produce a report that will be binding on the Council. The DPD will, where necessary, be amended to reflect the findings of the Inspector prior to the DPD being reported to Council Members for adoption. On receipt of the Inspector's Report, the Council will inform those persons who wished to be notified of its publication, as well as making the document available for inspection in the Council's Town Hall, planning reception, all local libraries and on the Council's web site. Likewise, a similar process will be used to inform people of the formal adoption of the DPD.

### **c) Supplementary Planning Documents (SPDs)**

- 3.45 SPDs are produced to support and provide additional information and guidance on policies and proposals contained in DPDs. The Council will undertake informal and targeted consultation during the preparation of a draft SPD. The procedure for SPD is slightly more straight forward than for DPDs and is set out below:

#### **Initial community involvement**

- 3.46 The nature of initial community involvement for SPDs will be dependent on its content. For example, if a SPD is being produced in relation to a major

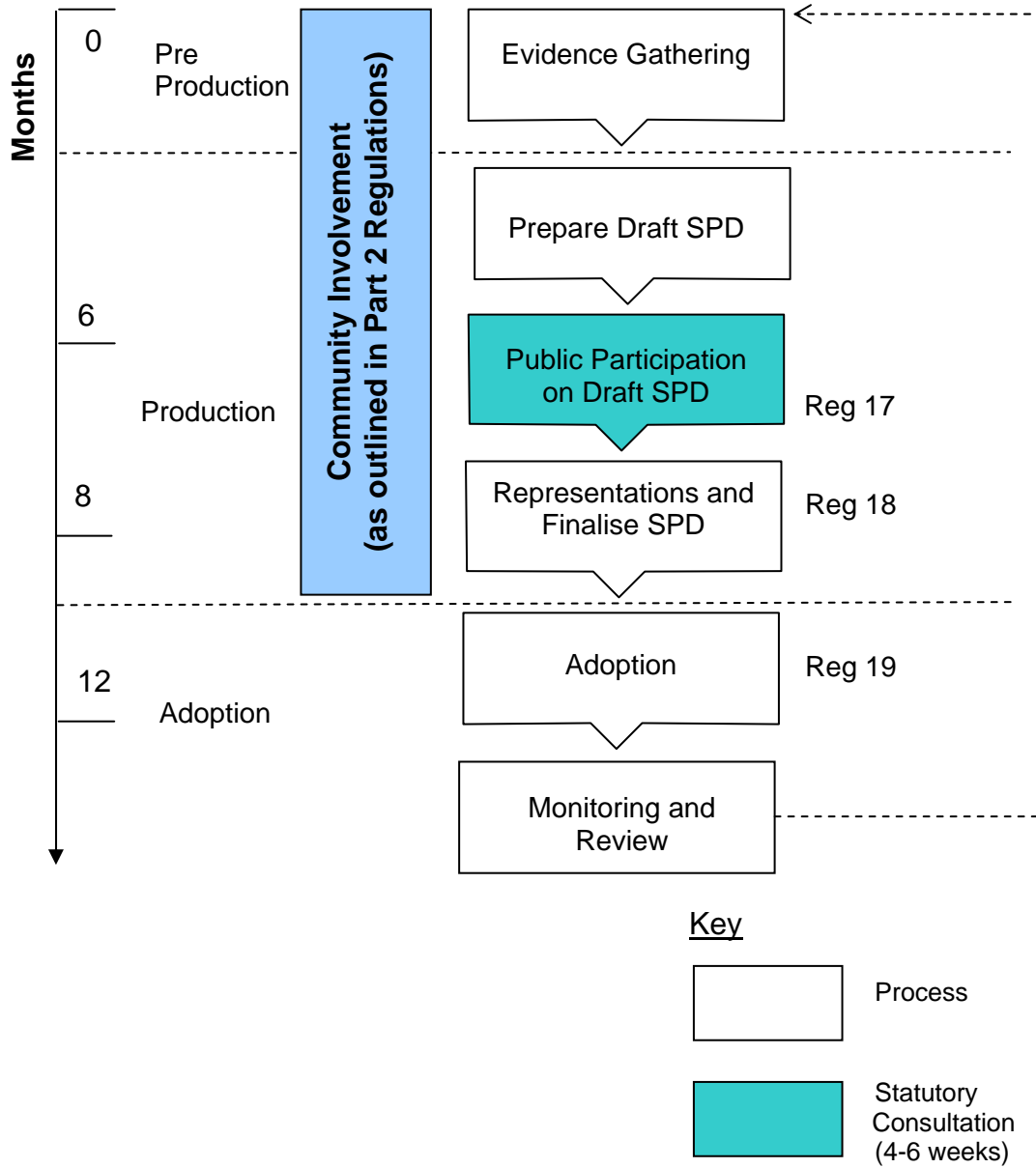
development site, the Council will undertake targeted consultation that focuses on those that the Council considers may be directly affected by what is being proposed. If, however, the SPD is of a more technical nature, the Council's approach will focus more on engaging specialist stakeholders. The main purpose of this stage of involvement will be evidence gathering and discussion around the main issues and options.

### **Formal consultation**

- 3.47 Following on from the evidence gathering, the Council will produce a draft SPD which will then be subject to a statutory period of consultation of no less than 4 weeks and no more than 6 weeks. In accordance with Regulation 17, the Council will consult each of the specific consultation bodies to the extent that the Council thinks that the SPD affects the body and such of the general consultation bodies as the Council considers appropriate (see Appendix 1). The draft SPD together with a Statement of Consultation will be reported to Council Members in order to seek their approval of the document for formal consultation in accordance with Regulation 18.
- 3.48 Officers will give full consideration to any representations made under Regulation 18. A summary of all representations will be logged on the Council's Consultation Database together with the Council's response which will indicate whether it is intended to amend the document. This summary of the representations and the Council's proposed response will then be appended to a Statement of Consultation and this will again be reported to Council Members to seek final approval of the SPD.
- 3.49 In addition, for SPDs involving site-specific issues, the Council will seek to notify all those that the Council feels would be directly affected by the proposal. To advertise this period of consultation, the Council will again make the relevant documents available in the Planning Reception area, the Town Hall and all local libraries in the Borough as well as on the Council's web site and will advertise the consultation period in the local press. If requested to do so, the Council will also send copies to Government Office.



Figure 3 – The Supplementary Planning Document process



### Reporting on responses received

- 3.50 Following each period of consultation on any local development document, the Council will prepare a 'Responses Report' which will set out the comments received, the Council's consideration of the comments, and whether any change to the document is required as a result of the comment. It is envisaged that the responses will be reported to the Council's Economy, Environment and Transport Scrutiny Commission.
- 3.51 By producing a 'Responses Report', those that commented on the document will have the opportunity to see how their comment has been considered by the Council. In doing so, they will be able to establish whether they feel their comment has been considered appropriately and, subsequently, whether to pursue their comment further.

Picture 3.2



## 4. PLANNING APPLICATIONS

- 4.1 The Council's Development Control Section is responsible for the processing of all planning applications within the Borough. Both publicity and consultation are integral to the process. The following paragraphs describe the various stages and forms of community involvement during the processing of planning applications.

### **Who will be consulted?**

- 4.2 The Council carries out consultations in accordance with Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, and with Article 15 where proposals affect the Strategic Road Network.
- 4.3 Consultation on planning applications will include the appropriate statutory bodies. In deciding which statutory body is consulted, the Council must take into account the nature and location of the proposal. Statutory consultees have 21 days in which to respond.
- 4.4 There are also a significant number of non-statutory bodies including local interest groups which the Council will consult in appropriate circumstances.

### **Methods of publicity**

#### **Pre-application**

- 4.5 The Council is often approached by developers prior to the submission of a planning application to discuss a development proposal and any issues that may arise from it. Generally, this will involve discussions with relevant Council officers and the applicant, although the Council may also invite other interested parties where their knowledge or expertise could assist the discussions and aid the formulation of better planned proposals. Where the Council consider a proposal to be of a scale and/or nature that is likely to generate significant levels of public interest, the prospective developer will be encouraged to engage the local community. Not only will this act as an awareness-raising exercise for the public, it will also enable the developer to take on board the views of local people when drawing up the details of the development proposal. Engaging the community at this stage may, for example, involve a presentation to the relevant LAP. There may however be commercial sensitivities around proposals and hence the developer will need to take a view on the extent of any publicity.

### Processing the application

- 4.6 Article 8 and 10 of the Town and Country Planning (General Development Procedure) Order 1995 require all applications for planning permission to be publicised, and the Council adheres to the manner of publicity as specified in the regulations. There are several stages following the receipt and during the processing of a planning application, where the Council will instigate community publicity and involvement and these are described below:

In publicising planning applications, it is necessary for the Council to strike a balance between consideration of cost, speed of decision-making and providing a reasonable opportunity for public comment.

Planning applications and the accompanying plans and information concerning the progress of the application are published on the Council's web site. Public access to computers is available at the Planning reception and at all local libraries where staff have received training on the public access facility. Access to hard copies can also be made available for inspection at the Planning reception and if copies are requested, they will be produced at a charge.

The Council's web site provides a comprehensive search facility including a **weekly list** of all planning applications received by the Planning Division.

Alerts are sent by email to each ward councillor as soon as an application has been registered.

**Site notices** are posted on the application site in the following circumstances:

- Applications with Environmental Statement
- Departures from the Development Plan – Where the Council are minded to approve the application
- Applications that affect a right of way as defined by the Wildlife and Countryside Act.
- Development affecting the character or appearance of a Conservation Area
- Development affecting the setting of a Listed Building
- Applications for Listed Building Consent or Conservation Area Consent
- Major development

*Major applications are defined as follows:*

- **Residential developments:**
  - Ten or more dwellings; or
  - On a site of 0.5 hectares or more.
- **Other development:**
  - With a floorspace of 1,000 square metres or above; or

- On a site of 1 hectare or more.

- **Minerals applications**
- **Waste applications**

Site Notices are displayed in at least one location on or near the site in question for not less than 21 days, during which time representations may be made.

**Press advertisements** are undertaken in the following circumstances:

- Applications within an Environmental Statement;
- Departures from the Development Plan – where the Council are minded to approve the application;
- Applications that affect a right of way as defined by the Wildlife and Countryside Act;
- Development affecting the character or appearance of a Conservation Area;
- Development affecting the setting of a Listed Building;
- Applications for Listed Building Consent or Conservation Area Consent;
- Major development (see definition above).

Press Notices normally request that any representations are made within 14 days of their publication.

**Local Area Partnerships** are notified of all major applications.

**Neighbour notification letters** are sent out to all 'adjoining occupiers' in respect of every planning application. 'Adjoining' in this sense means, as a minimum:

- Any properties which share a boundary with the application site;
- In the case of developments or extensions adjoining a highway, properties that overlook the proposed development;
- In the case of uses that may potentially have a significant impact on neighbours (e.g. a take-away falling under Use Class A5) the notification will include properties above and to the front, side, and rear of the site;
- In cases where complaints have been received via Enforcement; and the complainant is not one who would normally be notified consistent with the above, the complainant will be contacted via the Enforcement Officer in order to retain their anonymity. Should a response be received this would then go to the planning file and all the details of the complainant would then be in the public domain.

Individual occupiers are invited to inspect the application and make any written observations within 21 days. Where there are no individuals that can be readily identified a site notice will be posted on the site.

At the discretion of the case officer notification may be sent to persons in addition to the above.

**Post-application**

- 4.7 A letter or e-mail is sent to any person or organisation that has submitted representations with regard to a planning application advising them of the decision, whether it was determined by officers under delegated powers or at the Planning Committee. The decision, if taken at Committee, is also publicised in the Committee minutes on the Council's website. In some instances involving very major applications it will not be practicable to contact all correspondents individually and the Council may advise all correspondents to view the web site and press publicity for further information on the outcome. The Council has provided public access on its web site to all details of the process including the decision details.

**Process of involvement**

- 4.8 The Council will not determine applications where neighbour notification has taken place within 21 days of the date of the notification letter, unless all persons notified have responded beforehand.
- 4.9 Consideration will be given to all representations received later than the 21 days provided the application has not been determined.
- 4.10 All representations need to be made in writing by letter, email or the online comments service giving the name and address of the respondent. Anonymous or verbal representations cannot be considered in the determination of an application.
- 4.11 In the case of the receipt of significant amended plans, which are to be taken into account, the persons notified, will be re-notified and given a further 10 days to make any representations. It is the Council's practice to require new applications for amendments that are not of a minor or uncontroversial nature for which the full consultation and notification procedures will be applied.
- 4.12 The Council cannot acknowledge receipt of any communication but does provide public access via the website to all details of the application and the processes involved.

**Planning Control Committee**

- 4.13 As part of the Council's initiative to encourage more involvement in its work, the Planning Control Committee has a policy of listening to views about planning proposals. They are often matters of great concern and the Committee has to make decisions in the public interest and in the context of the Development Framework and planning policy guidance.

- 4.14 The Committee meets once a month in Bury Town Hall at 7.00 p.m. The meetings are announced in the local press. Members of the public are invited to attend and take part by speaking, explaining their concerns, either for or against a proposal, or simply listening to the Committee debate.
- 4.15 All those neighbours who submitted a response to the consultation on the planning application are notified of the date, time and location of the Planning Control Committee meeting, the officer recommendation and they are offered the opportunity to register to speak at committee. In some instances involving very major applications it will not be practicable to contact all correspondents individually and the Council may advise all correspondents to view the web site and press publicity for further information on the outcome. The Council has provided public access on its web site to all details of the process including the decision details.
- 4.16 Members of the public are able to look at the planning application reports on the Agenda and let one of the officers know which application they want to speak about. It can then be brought forward on the Agenda and dealt with in the first part of the meeting.
- 4.17 Each item will be introduced by the Chair who will then invite comments from the public. Only one person will be allowed to speak for, and one against a proposal. If more people are interested they will be asked to agree who the single spokesperson should be. Where the Committee has visited a site, speakers should bear in mind that most Members will be familiar with points made on the visit. Each speaker will be allowed to speak for a maximum of three minutes. The Chairman may at his or her discretion, in special cases, allow additional speaking time.
- 4.18 Ward Councillors are also allowed to make verbal representations but again this is limited to 3 minutes per Councillor.
- 4.19 The Development Control Manager will then bring any necessary information, in addition to that contained in his report, to the Committee's attention.
- 4.20 After any further discussion by Committee Members, in which the public cannot take part, a decision will be taken by the Committee. The Committee's decision is final. However, applicants have a right of appeal to the Planning Inspectorate if their application is refused or if conditions are attached which they do not agree with. In this event anyone who has written about the original application will be informed. Third parties e.g. objectors, cannot appeal against a decision to grant permission.
- 4.21 In addition, the date, time and location of all Council Committee meetings can be found on the Council's web site.



### **Planning Obligations**

- 4.22 The provisions of Section 106 of the Town and Country Planning Act 1990, also known as Section 106 agreements or planning obligations, are typically agreements negotiated between local authorities and developers in the context of granting planning consent. They provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of necessary infrastructure and facilities required by local and national planning policies.
- 4.23 Current policy on the use of negotiated planning obligations is set out in Department of the Environment Circular 1/97 which encourages fair, open and reasonable negotiations and requires that obligations meet a number of policy tests. The policy tests are that the obligations must be:
- Necessary
  - Relevant to planning
  - Directly related to the development
  - Fairly and reasonably related in scale and kind to the development
  - Reasonable in all other respects
- 4.24 In Bury, we do use the mechanisms allowable through Section 106 agreements. Their aims and objectives in relation to planning proposals are always made clear and from an early point in the consideration of a planning application. Their provisions are included within the officer report to Planning Committee and are considered by the Council's Planning Control Committee as part of the decision-making process.

### **Planning appeals**

- 4.25 Only applicants have a right to appeal against a refusal of planning permission, against conditions imposed on a planning approval or against a non-determination of a planning application. There are no third party rights to appeal.
- 4.26 All individuals and organisations that were consulted at the time the planning application was originally submitted and all those who subsequently made comments in relation to the application will be notified in writing of the appeal and how to make their views known. If they had already written to the Council, their letter will be copied and sent to the Planning Inspectorate.
- 4.27 Where an appeal is to be heard at an informal hearing or public inquiry the Council also erect a site notice and publicise in the press the date, time and location of the hearing or inquiry.

**Other forms of community involvement**

- 4.28 In appropriate circumstances, the Council will respond to requests for attendance at LAPs, public meetings or resident's association meetings to explain planning proposals.

## 5. RESOURCES AND MANAGEMENT

- 5.1 Inevitably, community involvement has resource implications for the Council. The Council has used its Planning Delivery Grant to increase investment in the planning service in terms of additional staff resources and improved IT facilities, both of which will improve the planning service the authority provides.
- 5.2 The Council has also established a Development Plan reserve whereby financial resources are available to support the requirements identified in the LDF, including SCI production costs, publicity and costs associated with statutory procedures prior to adoption e.g. public examination costs, independent Inspector fees, legal and expert witness costs. Investment in the consultation process should help to minimise future costs by avoiding as far as possible the need for a future lengthy and controversial examination process.
- 5.3 The level of community involvement in the LDF that is identified in this Statement is considered to be realistic and is sufficiently targeted to enable the Planning Policy Section to achieve its requirements with the resources available to it. It is envisaged that the requirements for community involvement set out in this Statement can be met through existing internal staffing resources. However, should the need arise, there are considered to be sufficient financial resources available to cover the costs of external assistance. In addition, staff members will work closely with colleagues and partners to adopt a positive approach to involving external groups and individuals and will utilise existing networks linked to other plans and strategies such as the Community Strategy.
- 5.4 In addition, the Development Control Team has recently been expanded to have the capacity required to deal with an increased level of planning applications. It is considered that the requirements for consultation on planning applications will be met by the existing staffing and financial resources available.

## 6. MONITORING AND REVIEW

- 6.1 The Council will seek to ensure that all development plan documents and supplementary planning documents are prepared, and planning applications considered, in accordance with requirements identified in this SCI. The Council will keep the SCI under review on an on-going basis having regard to any successes, difficulties or problems that may become apparent during progression through the various requirements for community engagement. Where it transpires that certain methods of consultation have not proved to be as efficient or successful as was originally envisaged, such methods may be replaced by alternative forms of community engagement.
- 6.2 Changes to legislation and/or best practice may also impact on the content of the SCI necessitating its review. In either case, such changes will be fed into a review of the SCI following further consultation. The Council will highlight the success, or otherwise, of the SCI and any changes to legislation or best practice that may affect community involvement in its Annual Monitoring Report.

## APPENDIX 1 - CONSULTEES FOR THE LDF

### **Specific consultation bodies**

The following will be consulted in accordance with the Planning and Compulsory Purchase Act and the Town and Country Planning (Local Development) (England) Regulations, as amended in 2008 and 2009:

4NW

Blackburn with Darwen Borough Council  
 Bolton Metropolitan Borough Council  
 Manchester City Council  
 Rochdale Metropolitan Borough Council  
 Rossendale Borough Council  
 Salford City Council  
 North Turton Parish Council  
 Lancashire County Council  
 Greater Manchester Police Authority  
 Lancashire Police Authority  
 Highways Agency  
 Homes and Communities Agency\*  
 The Coal Authority  
 Environment Agency  
 English Heritage  
 Natural England  
 The Secretary of State for Transport\*\*  
 North West Development Agency  
 NHS Bury  
 Relevant telecommunications companies  
 Relevant electricity and gas companies  
 Relevant sewerage and water undertakers

\* This requirement will not commence until 6 April 2010

\*\* In relation to its functions concerning railways and as a highway authority

### **Government departments**

The Council will consult with the following Government Departments, where appropriate:

Government Office for the North West  
 Department for Environment, Food and Rural Affairs  
 Department of Health  
 Ministry of Defence  
 Department for Culture, Media and Sport

Office of Government Commerce

**General consultation bodies**

The following are defined as general consultation bodies and will be consulted, as appropriate, in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004, as amended in 2008 and 2009:

- Voluntary bodies some or all of whose activities benefit any part of the authority's area;
- Bodies which represent the interests of different racial, ethnic or national groups in the authority's area;
- Bodies which represent the interests of different religious groups in the authority's area;
- Bodies which represent the interests of disabled persons in the authority's area; and
- Bodies which represent the interests of persons carrying on business in the authority's area.

**Other consultees**

Advice in PPS12 specifies that the Council should consider the need to consult, where appropriate, the following agencies and organisations in the preparation of Local Development Documents:

Age Concern

Airport Operators Association

British Chemical Distributors and Traders Association

British Geological Survey

British Waterways, canal owners and navigation authorities

Centre for Ecology and Hydrology

Chambers of Commerce, Local CBI and local branches of Institute of Directors

Chemical Business Association

Church Commissioners

Civil Aviation Authority

Commission for Architecture and the Built Environment

Commission for New Towns and English Partnerships

Commission for Racial Equality

Crown Estate Office

Diocesan Board of Finance

Disability Rights Commission

Disabled Persons Transport Advisory Committee

Electricity, Gas, and Telecommunications Undertakers, and the National Grid Company

Environmental groups at national, regional and local level, including:

- i. Council for the Protection of Rural England;
- ii. Friends of the Earth;

- iii. Royal Society for the Protection of Birds; and
- iv. Wildlife Trusts;
- Equal Opportunities Commission
- Fields In Trust
- Fire and Rescue Services
- Forestry Commission
- Freight Transport Association
- Gypsy Council
- Health and Safety Executive
- Help the Aged
- Higher and Further Education institutions
- Home Builders Federation
- Homes and Communities Agency
- Learning and Skills Councils
- Local Agenda 21 including:
  - i. Civic Societies;
  - ii. Community Groups;
  - iii. Local Transport Authorities;
  - iv. Local Transport Operators; and
  - v. Local Race Equality Councils and other local equality groups;
- Network Rail
- Passenger Transport Authorities
- Passenger Transport Executives
- Places Matter
- Police Architectural Liaison Officers/Crime Prevention Design Advisors
- Post Office Property Holdings
- Rail Companies and the Rail Freight Group
- Regional Development Agencies
- Regional Housing Boards
- Regional Sports Boards
- Road Haulage Association
- Sport England
- The Theatres Trust
- Traveller Law Reform Coalition
- Water Companies
- Women's National Commission




## FURTHER INFORMATION

Should you require any assistance with regard to the content of this Statement of Community Involvement please contact a member of the Planning and Transportation Policy Team on 0161-253-5550 or by e-mail to [planning.policy@bury.gov.uk](mailto:planning.policy@bury.gov.uk).

Alternatively, you may obtain free, independent advice from North West Planning Aid by calling their advice line on 0870-850-9804 or by e-mail to [nwcw@planningaid.rtpi.org.uk](mailto:nwcw@planningaid.rtpi.org.uk).





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[www.bury.gov.uk/planning/home.htm](http://www.bury.gov.uk/planning/home.htm)