



# **West Lancashire Statement of Community Involvement**

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**Ian Gill, MA, MRTPI  
Head of Growth and Development  
West Lancashire Borough Council**



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## 1.0 INTRODUCTION

### 1.1 What is a Statement of Community Involvement?

A Statement of Community Involvement (SCI) is a document which sets out how the local planning authority (LPA) will consult with the community, businesses, and other organisations or 'stakeholders' about the development of their area. It also explains how these people can get involved with the planning system.

### 1.2 What does it do / cover?

West Lancashire Borough Council, as the LPA for the area, is responsible for producing planning policy documents (including the Local Plan) and making a decision on most types of planning applications (excluding minerals and waste applications, which are dealt with by Lancashire County Council).

West Lancashire Borough Council, as the charging authority for the Community Infrastructure Levy (CIL) for the area, is also responsible for preparing a CIL charging schedule.

This document will describe the background and context for the SCI, and will set out:

- **what** will be consulted upon
- **who** could be consulted
- **how** we might carry out consultation, and
- **when** we will consult.

### 1.3 Why do we need a new SCI?

The Council published its original SCI in 2007, with an addendum produced to update it in 2009. From 2009 to 2015, there were several significant changes made to planning laws, as well as to ways that consultation could be carried out (for example, the use of social media). Consequently, we prepared a new SCI and adopted it in 2016.

Since 2016, more changes have taken place in Planning, which would benefit from being reflected in an updated SCI. One of these changes is a requirement for LPAs to update their SCIs at least every five years<sup>1</sup>. In addition, preparing a new SCI gives the Council the opportunity to review and improve its approaches to consultation, based on experience and best practice.

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<sup>1</sup> [Regulation 10A\(1\)\(b\) of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

## 1.4 Why is consultation important?

The Council also recognises that meaningful engagement with local communities and other 'stakeholders' can help in the planning process and can help increase public acceptance of developments. In more general terms, local authorities have a legal duty to act fairly in the exercise of their functions. One aspect of fairness is to consult stakeholders on matters that may affect them. The government has placed an emphasis on localism – to empower local communities to get involved in decision making.

It is important, however, that people understand that whilst all points of view made to the Council are considered, it is not always appropriate and / or possible for the Council to accommodate every request for change, especially where two parties have opposite views! Part of the Council's role is to balance competing interests and its final decisions will inevitably disappoint some stakeholders. It should also be remembered that feedback from public consultation is just one of several factors that the Council takes into account when making its decisions.

One final comment to make is that when consulting on planning matters, it is not the number of comments registered but the relevance of the planning-related arguments contained within them that is most important. As an LPA, the Council needs to balance the views of all sides, as well as relevant law and policy, in forming its decisions.

## 1.5 What are the legal requirements?

- The ***Planning and Compulsory Purchase Act 2004, Section 18 (Part 1)***, sets the requirement for LPAs to produce a Statement of Community Involvement;
- The ***Town and Country Planning (Local Planning) (England) Regulations 2012*** (as amended) set out the minimum requirements for consultation on planning policy documents;
- The ***Town and Country Planning (Development Management Procedure) (England) Order 2015*** sets out the minimum requirements for consultation on planning applications;
- The ***Localism Act 2011, Section 110 (also: Planning and Compulsory Purchase Act 2004, Section 33A)***, sets out a 'Duty to Co-operate' between public bodies on planning issues that cross administrative boundaries;
- The ***Neighbourhood Planning (General) Regulations 2012*** set out the requirements for consultation on Neighbourhood Plans;

- The ***National Planning Policy Framework (NPPF) 2019*** sets out the importance of community involvement and multi-agency consultation, and further emphasises the importance of co-operation across local authority boundaries;
- The ***Community Infrastructure Levy Regulations 2010*** (as amended) set out the minimum requirements for consultation on the Community Infrastructure Levy;
- The ***Planning (Listed Building and Conservation Areas) Act 1990***, Section 69, sets out the need to periodically review Conservation Area designations in consultation with the community;
- The ***Town and Country Planning Act 1990***, Section 199, sets out the need to consult persons and consider representations and objections in relation to Tree Preservation Orders (TPOs).

This SCI addresses the above legal consultation requirements. Once the SCI is adopted, West Lancashire Borough Council will need to follow the procedures for consultation and engagement set out in this document.

## 1.6 The Duty to co-operate

The Localism Act 2011 requires LPAs to engage with neighbouring authorities and other statutory bodies to consider joint approaches to plan-making. This 'Duty to Co-operate' is reiterated in the NPPF, which requires LPAs to work collaboratively with other bodies to ensure that strategic priorities across local authority boundaries are properly co-ordinated and clearly reflected in individual local plans, and to enable delivery of sustainable development.

West Lancashire Borough Council is committed to fulfilling this Duty and, as a matter of practice, works closely with neighbouring authorities and other partner organisations and stakeholders. Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 lists the bodies we are required to work with under the Duty to Co-operate. These bodies are listed in Appendix A of this SCI.

## 2.0 PREPARING PLANNING POLICY DOCUMENTS

The Council is responsible for producing local planning policy which, along with national policy, is used to inform decisions as it carries out its Development Management functions. There are different types of policy documents, each carrying different weight, and each requiring a different level and / or nature of engagement with the local community and other stakeholders. The most common policy documents which involve public consultation are development plan documents (DPDs<sup>2</sup>), (including the Local Plan), and supplementary planning documents (SPDs). The processes for producing DPD and SPDs vary, and, consequently, so do consultation arrangements / procedures.

When Council-produced DPDs are examined by independent Inspectors appointed by the Secretary of State, the documents will be tested for “soundness”<sup>3</sup> and for “legal compliance”, i.e. to ensure that legal requirements have been met. One of the legal requirements is to verify that the consultation on the DPD at its various stages of preparation has been carried out in accordance with the Statement of Community Involvement.

### 2.0.1 Who do we consult?

The Council is required to consult certain organisations and bodies, and is advised to consult others, depending on the type of policy document. This is in accordance with the regulations of the **Town and Country Planning (Local Planning) (England) Regulations 2012** (referred to from now on as 'the 2012 Regulations').

The 2012 Regulations set out who must be consulted at the defined stages of plan production. These organisations / companies are known as specific consultation bodies, or **statutory consultees**, and are listed in Appendix B of this SCI.

The LPA can also identify a number of other bodies it may wish to consult at key stages. These are known as general consultation bodies, or **general consultees**, and are listed in Appendix C.

The lists of statutory and general consultees may change as a result of amendments to the 2012 Regulations or organisational changes, which happen from time to time.

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<sup>2</sup> The term “development plan document” and the term “local plan” are used interchangeably. The Town and Country Planning (Local Planning) (England) Regulations 2012 define the term “local plan”, and states that “local plans” are prescribed as “development plan documents” for the purposes of Section 17(7)(a) of the Planning and Compulsory Purchase Act 2004.

<sup>3</sup> A straightforward interpretation of the word 'sound' is that it 'shows good judgement' and 'is able to be trusted'. To be considered 'sound' a document should be 'positively prepared, justified, effective and consistent with national policy'.



The Council is also committed to involving a wide range of other individuals and organisations, including the local community and 'hard to reach' groups. These '**other consultees**' are also identified by the Council.

The Council will maintain a **database** (the Strategic Planning Consultation Database) containing the contact details of individuals, groups and other bodies that wish to be kept informed of consultations relating to planning policy documents. Consultees are able to specify which subjects are of interest to them. Individuals and organisations on this database will be contacted by email or post when the Council consults on relevant planning policy documents and / or subjects. The database will be administered strictly in accordance with the provisions of the General Data Protection Regulation, and will be regularly updated.

If you wish to be added to, or removed from, the Strategic Planning Consultation Database, please contact the Strategic Planning and Implementation Team on 01695 585194, by email at: [Localplan@westlancs.gov.uk](mailto:Localplan@westlancs.gov.uk), or you can register / opt out directly online by following the links from:

<http://www.westlancs.gov.uk/planningpolicy>.

## **2.0.2 When do we consult?**

The Council's Local Development Scheme (LDS) gives an indication of the timescales for the preparation of DPDs and SPDs in West Lancashire. This should enable people to broadly know when to expect consultation. Each formal consultation stage will be publicised by the Council.

You can find out more about the LDS on the Council's website:

<https://www.westlancs.gov.uk/planning/planning-policy/the-local-plan/local-plan-review/local-development-scheme-lds.aspx>

The section below explains how to get involved.

## **2.1 Development Plan Documents**

Development Plan Documents (DPDs) are planning documents that set out the planning strategy, policies and proposals for a local planning authority area. At the time of preparing this 2020 Statement of Community Involvement, the principal DPD is the adopted Borough-wide West Lancashire Local Plan 2012-2027<sup>4</sup>. This Local Plan is the primary consideration in the determination of planning applications.

The 2012 Regulations set out three formal stages of DPD production where consultation and / or publicity is required, and specify who should be consulted. These stages are listed as Stages 2, 5 and 8 in Table 2.1 on the following page.

However, the statutory consultation stages may not always provide adequate opportunity for the views of the community to feed into preparation of the DPD, or the accompanying Sustainability Appraisal. Therefore, in the interests of best practice and positive public engagement, the Council may sometimes consult on an informal stage of the DPD's preparation, for example the Options and Preferred Options stages.

### **2.1.1 When do we consult?**

Table 2.1 below sets out the stages of the DPD's production and whether consultation and / or publicity is required.

In accordance with the 2012 Regulations, each formal stage of consultation should include a 'Statement of Representations Procedure' which is a document setting out what is being consulted upon, where the consultation documents can be found, and how comments can be made on them. The Council may produce a Statement of Representations Procedure for informal stages as well, where consultation is being undertaken at these stages.

Under Regulation 22, before the LPA can submit a DPD for examination, it must prepare a 'Statement of Consultation' which sets out who was consulted at each formal stage of the DPD's preparation, what issues were raised by consultees and how those issues have been addressed in the final DPD. The Council must publish that statement, along with a copy of the DPD, the Sustainability Appraisal report (see Section 2.1.2), copies of representations made under Regulation 20 (see Table 2.1), and any relevant supporting documents. The Council must also provide a statement setting out how it has met its requirements in relation to the 'Duty to Co-operate'.

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<sup>4</sup> The terms 'DPD' and 'Local Plan' are used interchangeably in this section.

**Table 2.1 Consultation during preparation of a Development Plan Document**

Stage	DPD Preparation Stage	Regulation number <sup>5</sup>	Purpose	Consultation required?	Publicity required?
1	Evidence gathering	-	To gather evidence in order to identify the issues and opportunities for development in the Borough	Only if required for any specific study <sup>6</sup>	Only if required for any specific study.
2	Scoping	Reg. 18	To notify persons / groups of the subject of the DPD and invite them to make representations about what the DPD should contain.  Comments received will inform the preparation of the next stage	Yes	Yes
3	Issues and Options	-	To gather evidence on the issues affecting the area, and to prepare options (policy / strategy) to address the issues; to undertake initial work on the Sustainability Appraisal.  To notify persons / groups of the issues / options and to invite them to make representations on the issues and options.  If consulted upon, comments received will inform the preparation of the next stage.	Optional (i.e. not required by 2012 Regulations, but the Council may choose to consult at this stage)	Optional (i.e. not required by 2012 Regulations, but the Council may choose to publicise at this stage)
4	Preferred Options	-	To prepare a draft DPD taking into account any comments made at the Scoping stage and the Issues and Options stage (if consulted upon) and to produce a Sustainability Appraisal.  If consulted upon, comments received will inform the preparation of the next stage.	Optional	Optional
5	Publication	Reg. 19  Reg. 20	To prepare a final draft document taking into account any comments made at previous stages, along with a Sustainability Appraisal report.  To make the document available for public viewing and comments.	Yes	Yes
6	Submission of a Local Plan to the Secretary of State	Reg. 22	To collate, summarise and forward all representations received at Publication stage to the government, who will appoint an independent Planning Inspector to examine the DPD.	No	Yes
7	Independent examination by a Planning Inspector (formal)	Reg. 24	To examine the 'soundness' of the DPD in a public forum.  This includes an assessment of whether the LPA has considered the views of the community and met the requirements of the SCI.	No	Yes

<sup>5</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>6</sup> For example, the Sustainability Appraisal forms part of the evidence base, and the Regulations require that the SA be published for consultation alongside the local plan.

Stage	DPD Preparation Stage	Regulation number <sup>5</sup>	Purpose	Consultation required?	Publicity required?
8	Main Modifications		To make specific necessary changes to the DPD in order to make it sound. Where these are major in nature, we will consult with those who made representations at the Publication stage.  Any comments received will be considered by the Planning Inspector.	Yes	Yes
9	Publication of Inspector's Report  Adoption of the DPD	Reg. 25  Reg. 26	To inform participants in the DPD preparation process and any other interested parties of the recommendations of the Planning Inspector.  To adopt the DPD document for use by the Council in its development management function.  We will notify consultees of the publication of the Inspector's Report and the adoption of the Plan as soon as is reasonably practical.	No	Yes
10	Monitoring & review		To track the performance of policies and to advise on any necessary adjustments. Monitoring will usually be undertaken on an annual basis.	No	No

### 2.1.2 Sustainability Appraisal

Under the Environmental Assessment of Plans and Programmes Regulations 2001, and the European Directive 2001/42/EC ('the SEA Directive'), all DPDs require a Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA).

These appraisals are produced in tandem with the DPDs to assess their environmental, social and economic impacts, and to guide the choice of policies / allocations, etc. We normally consult on the SA / SEA alongside the DPD at each significant stage of the DPD's preparation.

Three statutory consultees are consulted as a matter of course when preparing SAs and / or SEAs; these are Natural England, Historic England, and the Environment Agency. The Regulations require that consultation take place on the Sustainability Appraisal reports alongside the DPD to which they relate.

### 2.1.3 How do we consult?

Consultation methods for each stage of DPD production will vary. Each stage will involve a number of set methods and, in addition, may involve one or more of the optional methods. Table 2.2 sets out the methods that could be used at each stage of consultation on the DPD.

**Table 2.2 Consultation on emerging DPDs**

Method	Stage of preparation of DPD			
	Pre-Draft Consultation (Scoping) (Reg.18)	Draft Consultation (Options / Preferred Options) <b>NB: Optional</b>	Publication & Submission (Regs.19,20,22)	Inspector's Report & Adoption (Regs. 25,26)
Website	✓	(✓) <sup>7</sup>	✓	✓
Email out (database)	✓	(✓)	✓	✓
Mail out (database)	✓	(✓)	✓	✓
On deposit	✓	(✓)	✓	✓
Press release	Optional	Optional	Optional	Optional
Press notice	Optional	Optional	Optional	Optional
Press advertisement	Optional	Optional	Optional	N/A
Leaflets	Optional	Optional	Optional	N/A
Neighbour letters	No	No	No	No
Exhibitions	Optional	Optional	Optional	N/A
Forums	Optional	Optional	Optional	N/A
Drop-in sessions	Optional	Optional	Optional	N/A
Social media	Optional	Optional	Optional	N/A
Groups consulted / notified	Statutory and general consultees <sup>8</sup> .	Statutory and general consultees. Any representors from previous stage.	Statutory and general consultees. Any representors from Reg. 18 stage.	Statutory and general consultees. Anyone who has asked to be notified.
Duration	Minimum 4 weeks	Minimum 6 weeks	Minimum 6 weeks	-
Consultation Statement produced?	Yes	Optional	Yes	No

### 2.1.4 How will we report the results?

Following consultation, the Council may prepare a Feedback Report (or Consultation Statement), summarising the issues and main points raised through the representations, how the Council has responded to them, and what has been changed in the DPD as a result of the comments. This may be shared with Members to inform their decisions on the next stage of the DPD's preparation, and may be published on the Council's website. The Council is not bound to respond to each individual submission / representation to consultation on DPDs.

<sup>7</sup> i.e. if consultation is undertaken, it is optional to publicise on the website.

<sup>8</sup> The term 'general consultees' includes the general public (via the WLBC Strategic Planning Consultation Database).

## 2.2 Supplementary Planning Documents

Supplementary Planning Documents (SPDs) are planning documents that provide greater detail in relation to the policies in the Local Plan or other DPDs. SPDs can be topic- or area-based. They do not have the same status as DPDs, and do not form part of the statutory development plan, but are material considerations in planning decisions.

The 2012 Regulations set out two stages of SPD production where consultation and / or publicity is required. They are:

- Public participation stage (Regulations 12 and 13) and
- Adoption (Regulation 14).

On occasions where the regulatory stages do not provide adequate opportunity for the views of the community to contribute towards preparation of the SPD, the Council may sometimes consider carrying out an extra stage of consultation, for example if there are fundamental changes proposed to the SPD following one round of consultation.

### 2.2.1 When do we consult?

Table 2.3 below sets out the stages of an SPD's production and whether consultation and / or publicity is required.

**Table 2.3 Preparation Stages for SPDs**

Stage	Preparation Stage	Regulation number	Purpose	Consultation required?	Publicity required?
1	Evidence gathering	-	To gather evidence to inform the preparation of the SPD	No	No
2	Scoping / Issues	Reg. 12(a)	To set the scope of the SPD, and to identify issues the SPD will cover. Comments received at this stage will inform the preparation of the draft SPD. A Consultation Statement will be produced (Reg. 12(a)).	Informal / limited consultation required (i.e. to specific bodies)	Optional
3	Public participation on draft SPD	Reg.12(b) Reg.13	To prepare the draft SPD. To publish the Consultation Statement (Reg. 12(a)) and draft SPD, and to invite representations on the draft SPD. Comments received at this stage will inform the preparation of the final SPD.	Yes	Yes

Stage	Preparation Stage	Regulation number	Purpose	Consultation required?	Publicity required?
4	Final SPD	-	To produce the final SPD.	No	No
5	Adoption of the SPD	Reg.14	To adopt the SPD for use by the Council in its development management function.	No	Yes
6	Monitoring & review	(Optional)	To track the performance of policies and recommend adjustments if deemed necessary. Monitoring, if carried out, is usually on an annual basis.	No	No

### 2.2.2 Sustainability Appraisal of SPDs

The requirement to carry out a Sustainability Appraisal (SA) (which includes Strategic Environmental Assessment) applies to all DPDs. However amendments to the Town and Country Planning Regulations in 2009 removed the automatic need to undertake SA for Supplementary Planning Documents.

The Council is, however, required to determine whether an SPD requires SA, i.e. there is a need to 'screen'. The screening process in this instance essentially involves asking the question, 'Are there likely to be significant effects as a result of the SPD, recognising that the role of the SPD is only to amplify adopted policy?'

If SA is undertaken for an SPD, this process would take place in tandem with the preparation of the SPD, and the SA report would normally be consulted upon at the same time as the SPD.

### 2.2.3 How do we consult?

The methods for consultation at each stage of the SPD production will vary. Each stage may involve a number of set methods and, possibly, one or more of the optional methods. Table 2.4 below sets out the methods to be used at each stage of consultation on the SPD.

**Table 2.4 Consultation on emerging SPDs**

Method	SPD Preparation Stage			
	Pre-Draft (Scoping / Issues) (Reg. 12(a))	Draft SPD (Reg. 12(b) & 13)	Revised SPD <b>NB: Optional stage</b>	Adoption (Reg.14)
Website	Optional	✓	Optional	✓
Email out (database)	Optional	✓	Optional	✓
Mail out (database)	Optional	✓	Optional	✓
On deposit	Optional	✓	Optional	✓
Press release	Optional	Optional	Optional	Optional
Press notice	Optional	Optional	Optional	Optional
Press advertisement	Optional	Optional	Optional	Optional
Leaflets	Optional	Optional	Optional	–
Neighbour letters	Optional	Optional	Optional	–
Staffed exhibitions	Optional	Optional	Optional	–
Unstaffed exhibitions	Optional	Optional	Optional	–
Forums	Optional	Optional	Optional	–
Social media	Optional	Optional	Optional	–
Groups consulted / notified	Limited specific consultees with an interest in the subject matter.	Statutory and general consultees <sup>9</sup> . Respondents from previous stage.	Statutory and general consultees. Respondents from previous stage.	Statutory and general consultees. Anyone who has asked to be notified.
Consultation Statement produced	Yes	Optional	Optional	No
Duration	Minimum 4 weeks	Minimum 6 weeks	Minimum 4 weeks	-

### 2.2.4 How will we report the results?

Following the 'Scoping' (Reg. 12(a)) consultation, the Council will prepare a feedback report, or Consultation Statement, which will summarise the issues raised through the representations, how the Council has responded to them and what has been changed in the SPD as a result of the comments.

<sup>9</sup> The term 'general consultees' includes the general public (via the WLBC Strategic Planning Consultation Database)



## 2.3 Development Briefs

Development Briefs provide guidance and a framework for the development of a specific site. Usually, these are prepared for larger sites that have been allocated for development within the Borough-wide Local Plan. As with SPDs, Development Briefs are not subject to independent examination and their purpose is simply to provide supporting guidance in relation to the policies for the site in question. Development Briefs are not part of the statutory planning framework, but can have weight as a consideration in planning decisions.

Consultation on Development Briefs will usually be similar in nature to consultation on SPDs in that the Council will publish a draft Development Brief for consultation, and the comments received will inform preparation of the final Development Brief.

Due to the localised nature of most Development Briefs, extensive consultation is not considered to be appropriate. The table below sets out the methods considered appropriate for Development Briefs. Where possible, the Council will run Development Brief consultation in tandem with DPD / SPD consultation in order to maximise publicity and use resources efficiently.

### 2.3.1 When do we consult?

**Table 2.5 Development Brief preparation stages and consultation**

Stage	Preparation Stage	2012 Regulation	Purpose	Will we consult?	Will we publicise?
1	Evidence gathering	–	To identify the issues, and the opportunities for development	No	No
2	Identification of issues <b>NB: Optional consultation stage</b>	–	To identify issues for the Brief If consultation is undertaken, comments received will inform the preparation of the draft development brief.	Optional	Optional
3	Draft Development Brief	–	To prepare the draft development brief, and to invite representations on it. Comments received at this stage will inform the preparation of the final development brief.	Yes	Yes
4	Final Development Brief	–	To produce the final Development Brief, taking into account feedback from consultation on draft Brief.	No	No
5	Adoption	–	Adoption of the Development Brief by Council.	No	Yes

### 2.3.2 How do we consult?

**Table 2.6 Consultation on Development Briefs**

Method	Development Brief			
	Identification of Issues NB: Optional stage	Draft Development Brief	Final Development Brief	Adoption
Website	Optional	✓	Optional	✓
Email out (database)	Optional	✓	Optional	✓
Mail out (database)	Optional	✓	Optional	✓
On deposit	Optional	✓	Optional	✓
Press release	Optional	Optional	Optional	Optional
Press notice	Optional	Optional	Optional	Optional
Press advertisement	Optional	Optional	Optional	Optional
Leaflets	No	No	No	No
Neighbour letters	Optional	Optional	Optional	Optional
Exhibitions	Optional	Optional	Optional	No
Drop-in sessions	Optional	Optional	Optional	No
Social media	Optional	Optional	Optional	Optional
Groups consulted / notified	Statutory and general consultees <sup>10</sup> .	Statutory and general consultees. Representatives from previous stage, if consultation was undertaken.	Statutory and general consultees. Representatives from previous stage.	Statutory and general consultees. Representatives from previous stage.
Feedback Report produced	Optional	Yes	Yes	No
Duration	Minimum 4 weeks	Minimum 4 weeks	Minimum 4 weeks	-

<sup>10</sup> The term 'general consultees' includes the general public (via the WLBC Strategic Planning Consultation Database)

## 2.4 Methods for publicity and consultation

Consultation on planning policy documents will be undertaken using a variety of methods. For compulsory consultations (i.e. those required by the 2012 Regulations), the Council will use a small number of set methods as a minimum. Additional methods may also be used, dependent on the type of document and / or the nature of the document's subject matter.

### 2.4.1 Methods for publicity and consultation

Methods to be used as a minimum:

- **Website.** The Council's website will contain a consultation page to provide information on recent, current and future consultations. For current consultations, the website will show all the relevant documents, guidance on how to comment and comments forms.
- **Email.** People will be able to register onto the 'Strategic Planning Consultation Database' to receive the latest news and updates on consultation and the preparation of policy documents. To help minimise costs, the Council will encourage people to register using their email address. This method will be used as a default unless consultees indicate they require communication by letter. Registration can be done online through the Planning Consultation pages of the Council's website ([www.westlancs.gov.uk/planningpolicy](http://www.westlancs.gov.uk/planningpolicy)) The database will be administered in compliance with the General Data Protection Regulation.
- **Letter.** People who wish to receive notification by letter rather than by email may register onto the Council's planning consultation database to receive news and updates on consultation and preparation of policy documents via post. To register for notification by letter, please contact the Strategic Planning and Implementation team by telephone (01695 585171) or by post (West Lancashire Borough Council, Planning Policy, 52 Derby Street, Ormskirk, Lancashire, L39 2DF).
- **Availability of documents 'on deposit' at libraries and Council offices.** The Council will make all documents and guidance available at public libraries within West Lancashire Borough, at the Council offices at Derby Street, Ormskirk, and at the Customer Service Point, Skelmersdale Concourse. Should library or office facilities no longer be available in future, alternative venues around the Borough will be considered.

Additional methods may include one or more of the following:

- **Press release.** Press releases may be issued to local newspapers to draw attention to policy documents. However, where releases are issued, the Council has no control over what the paper chooses to publish.
- **Press notice.** Press notices are [paid for] public notices posted in the local press (normally the 'Champion Group' newspapers).
- **Press advertisement.** The Council may publish advertisements in the local press to promote planning consultation. Due to their cost, they will usually only be used for significant policy documents which have an impact on a wider area, such as those affecting the whole Borough or for strategic development sites. Alternatively, a 'newspaper wrap' may be produced.
- **Leaflets.** Leaflets can often be a good way of informing local residents and businesses about planning policy documents. However they can also be costly and time consuming. Leaflets may be used for significant policy documents which have an implication on a wider area, such as those affecting the whole Borough or for strategic development sites.
- **Neighbour letters.** Letters may be sent to properties neighbouring (immediately adjacent to) a development site to notify them about the preparation of a planning document. Due to cost, if a decision is made to send out neighbour letters, these will only be used for those policy documents which have an impact on a more localised area, such as a Development Brief for an allocated site.
- **Staffed Exhibitions.** Exhibitions help display information on policy proposals and give local people access to information. They also enable the public to speak directly to planning staff. Where staffed exhibitions are used, the Council will endeavour to arrange them during the earlier part of the consultation period in order to provide sufficient time for people to formulate and submit comments after having visited the exhibition.
- **Unstaffed Exhibition.** Exhibitions help display information on policy proposals and give local access to information. Where unstaffed exhibitions are used, they will normally be available throughout the consultation period in a publicly accessible location.
- **Forums.** Public forums and workshops can be used to support discussions. As forums are often restricted in terms of capacity (both as a result of venue size, and the workable ratio of attendees to Council officers), attendance will usually be required to be registered in advance. Such forums will be advertised via some of the media set out above, so that interested individuals may register to attend.
- **Drop-in sessions.** Drop-in sessions enable members of the public to 'drop-in' to organised sessions at advertised venues, and to ask planning officers any questions they may have.

- **Social media (e.g. Facebook, Twitter).** Consultations will be publicised through social media where feasible; updated technologies may be used in future.

It should be noted that all consultations are public and that means they must be open to everyone, subject to limitations on numbers due to Health and Safety considerations or officer resources. We cannot restrict attendance at public events to certain specific societal groups, nor can we exclude certain individuals / groups from attending, unless they are aggressive towards other members of the public or Council officers. Where numbers are restricted, registration will be required for an event; this will be advertised and registration will be on a first-come first-served basis. Where demand is high and events are over-subscribed, the Council may seek to arrange additional events, where reasonably feasible.

We will try to ensure that events are held in accessible locations which can be reached using public transport. We will also try to ensure that events are held at convenient times to as wide a range of people as possible, including weekdays, weekday evenings and, where appropriate, Saturdays.

Methods of consultation will vary depending on the type of document being consulted upon.

#### **2.4.2 How we will accept representations**

Where made available, the Council will use bespoke web-based software for its public consultations on the Local Plan, enabling respondents to submit comments and representations easily online. This will also keep administrative costs and officer time (for inputting / processing those comments) to a minimum. The Council may accept some representations on paper from those unable to use the internet, using a form provided by the Council for the purpose. However, where web-based software is employed to allow input of comments, email submissions will not be accepted.

- **Electronic based**
  - **Website:** It is our intention to run consultations online using methods such as electronic forms and surveys which will be placed on, or linked to, the Council website.
- **Paper based**
  - **Forms:** For those who are unable to use the internet, paper based forms (and, where applicable, questionnaires and surveys) will be made available to be collected from Council offices and public libraries<sup>11</sup> and returned by post to the Council.

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<sup>11</sup> If, in future, library facilities are no longer available, consideration will be given to finding suitable alternative venues in which to make documents available.

## **2.5 Neighbourhood Plans**

### **2.5.1 What is a Neighbourhood Plan?**

The Localism Act 2011 introduced the opportunity for communities to produce 'Neighbourhood Plans'. A Neighbourhood Plan is a community-led framework for guiding the future development, regeneration and conservation of an area. It is about the use and development of land and may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or the allocation of key sites for specific kinds of development.<sup>12</sup>

A Neighbourhood Plan can add detail and locally-set objectives to support and complement the Borough-wide Local Plan. It must be in conformity with the Borough-wide Local Plan, and with national planning policy (the National Planning Policy Framework), and cannot be used to block or veto development.

If successful at public referendum, a Neighbourhood Plan will become part of the statutory development plan for the area.

### **2.5.2 How will the Council be involved?**

The Council has a statutory "Duty to Support" local groups in the preparation of Neighbourhood Plans. The amount of assistance will be dependent upon the level of resources available to the Council at the time of the request.

The Council will support those neighbourhoods who wish to prepare a Neighbourhood Plan, but the preparation of such plans is required to be led by community organisations such as the Parish Council or a Neighbourhood Forum (a group designated by the Local Authority in non-parished areas). While a Neighbourhood Plan is being prepared, consultation on it will be the responsibility of the individual Parish Council or Neighbourhood Forum and is therefore outside the scope of this SCI.

However, once a Neighbourhood Plan has been drawn up and submitted to the local planning authority, the local planning authority must carry out a statutory consultation on the proposed Neighbourhood Plan before it is examined by an independent and suitably qualified person.

Where appropriate, the Council will publish copies of any Neighbourhood Plans and updates on the progress of Plan preparation on its website.

Table 2.7 below sets out the different stages of consultation involved in producing a Neighbourhood Plan and whose responsibility it is to carry out this consultation.

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<sup>12</sup> Neighbourhood Plans Road Map Guide:  
<http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>

**Table 2.7 Neighbourhood Plan consultation responsibilities**

<b>Stage</b>	<b>Responsibility</b>
Designating the 'neighbourhood area' - consultation on the area to be subject to the Neighbourhood Plan	Local Planning Authority
Preparing a Draft Neighbourhood Plan - engagement and consultation with those living and working in the neighbourhood area and those with an interest in, or affected by, the proposals	Parish Council / Neighbourhood Forum
Pre-submission consultation – on Draft Neighbourhood Plan	Parish Council / Neighbourhood Forum
Consultation to satisfy requirements in relation to European directives, if and where they apply to a Draft Neighbourhood Plan	Parish Council / Neighbourhood Forum
Statutory consultation on a submitted Neighbourhood Plan	Local Planning Authority
Examination of Neighbourhood Plan	Local Planning Authority
Neighbourhood Planning referendum	Local Planning Authority

### **3.0 COMMUNITY INFRASTRUCTURE LEVY**

The Community Infrastructure Levy (CIL) allows local authorities in England and Wales to raise funds from developers who are undertaking new building projects in their area. The money raised is used to pay for infrastructure required to support the new development. CIL must be administered in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The CIL Regulations set out when and how the Council must consult at specific stages of the CIL preparation process.

#### **3.1 Preparation of a Charging Schedule**

In preparing a Charging Schedule, the Council must follow a series of stages as set out in, and required by, Part 3 of the CIL Regulations. Some of the stages require consultation and/or publicity and include:

- Publication of a Draft Charging Schedule (Regulation 16)
- Representations relating to a draft charging schedule (Regulation 17)
- Submission of documents and information to the examiner (Regulation 19)
- CIL examination: right to be heard (Regulation 21)
- Publication of the examiner's recommendations (Regulation 23)
- Approval and publication of a charging schedule (Regulation 25)

##### **3.1.1 Who do we consult?**

At most stages the Council, as the Charging Authority, must notify the consultation bodies which comprise adjoining local planning authorities, the County Council and Parish Councils or neighbourhood forums. The Council must also invite representations from residents and businesses in the Borough, voluntary bodies and other bodies that represent businesses in the area.

##### **3.1.2 When do we consult?**

Table 3.1 below sets out the stages of preparation of the Charging Schedule and whether consultation and / or publicity is required.



**Table 3.1 Preparation of CIL Charging Schedule and consultation**

Stage	Charging Schedule Preparation Stage	CIL Regulation number	Purpose	Consultation required?	Publicity required?
1	Evidence gathering	-	To gather evidence to inform CIL	No	No
2	Draft Charging Schedule	Reg.16	Publish and invite representations on Draft Charging Schedule. Comments received at this stage will be considered by the examiner.	Yes	Yes
3	Submission	Reg.19 Reg.21	Submission of Draft Charging Schedule and accompanying documents and representations to the examiner. Publication of matters	No	Yes
4	Publication of the Examiner's recommendations	Reg.23	Publication of the examiner's recommendations	No	Yes
5	Adoption	Reg.25	Approval and publication of CIL Charging Schedule by Council.	No	Yes

### 3.1.3 How do we consult?

Consultation and publicity methods vary slightly with each stage of CIL preparation. Table 3.2 below outlines the methods that are required at each stage, although further consultation or publicity methods may also be used. An explanation of the methods can be found in the preceding chapter.

For the stage covered by Regulation 16, the Council will prepare a Statement of Representations setting out the availability of documents and how comments can be submitted.

**Table 3.2 CIL preparation – consultation methods**

Method	Stage of CIL preparation					
	(Reg.15)	Draft Charging Schedule (Reg.16)	Submission (Reg.19)	Right to be heard (Reg.21)	Examiner's Report (Reg.23)	Adoption (Reg.25)
Website	✓	✓	✓	✓	✓	✓
Mail out	✓	✓	✓	✓	✓	✓
On deposit	✓	✓	✓		✓	✓
Feedback Report produced	✓	✓	✓			
Duration	–	Min. 6 weeks	Min. 6 weeks	–	–	–

It is expected that consultation on significant changes should be undertaken for at least 4 weeks and so the Council periods exceed this requirement. However, where minor changes are proposed a shorter consultation may be considered appropriate.

### **3.1.4 How will we report the results?**

Following the key round of consultation on the Draft Charging Schedule, the Council will prepare a Consultation Statement, or Feedback Report, which will summarise the issues raised through the representations, how the Council has responded to them, and what has been changed to the Charging Schedule as a result of the comments.

### **3.1.5 Review of a Charging Schedule**

Regulations 26 and 27 govern the correction of errors in a Charging Schedule. The Council will follow the requirements of the CIL Regulations in the case of any necessary changes to the Charging Schedule, and subsequent notification or consultation.

Where appropriate, a review of the charging schedule will be aligned with preparation of the Local Plan, although it is not necessary to wait for changes to a plan before bringing forward new or amended charging schedules.

## **3.2 Consulting on how Council CIL money should be spent**

### **3.2.1 Projects costing less than £100,000**

Whilst the Council are keen to use CIL funding to deliver infrastructure projects in the short-term, the Council also wish to ensure that CIL is allowed to accumulate so as to provide larger funds to support the delivery of larger, costlier projects in the medium to long-term timescales.

Annual CIL Funding Programmes will therefore focus on smaller scale projects requiring £100,000 of CIL funding or less, and limit expenditure of CIL on those projects to £100,000 each year. This enables the vast majority of 'strategic' monies to be saved and allocated towards larger-scale projects, requiring more than £100,000 of CIL funding, whilst still allowing smaller infrastructure projects to have CIL funding allocated to them and be taken forward annually through the usual decision making process.

In any year where the £100,000 cap is not reached, the remaining balance will be moved into the larger-scale schemes fund.

The Council are keen to ensure that local residents and businesses can have a say on these small-scale infrastructure projects. Subsequently, each year, officers will assess infrastructure projects and draw up a shortlist of schemes that meet the funding criteria (in accordance with our CIL Governance and Expenditure Framework). This shortlist will be put out to public consultation in autumn of each year through the draft CIL Funding Programme (CFP).

#### Publicity and consultation

We will publicise the consultation through selection of a range of methods, including

- Dedicated pages on the Council's website ([www.westlancs.gov.uk/cfp](http://www.westlancs.gov.uk/cfp))
- Press advert in the free press (Champion paper, or equivalent)
- Mail-out to those registered for electronic and paper updates on consultations
- Placing all materials on deposit at West Lancashire Council Offices and libraries

We will accept comments:

- Online through a dedicated portal

Following the close of consultation, officers will consider all comments received and prepare a final CIL Funding Programme report with recommendations to Members. Members will then be responsible for deciding which schemes receive CIL funding in the following financial year.

### **3.2.2 Projects costing more than £100,000**

Projects costing more than £100,000 of CIL will be funded through the saved strategic CIL funds that the Council holds. As such, they will not be included in the CIL Funding Programme consultation process but will be considered by Cabinet separately at a later date, in accordance with the Council's Governance and Expenditure Protocol. However, any shortlisted projects costing more than £100,000 will be identified alongside those projects costing less than £100,000, and so people may provide comments in support or otherwise of any proposals through the public consultation.

### **3.3 Consultation on how local CIL monies in non-Parished areas should be spent**

The Council must pass a proportion of the CIL receipts it collects to local councils to ensure that some CIL monies are spent in the areas which development originated in. In West Lancashire, parish councils receive 15% of the receipts collected in their area, rising to 25% in areas which have a Neighbourhood Plan. In those areas without a local, or parish, council (Ormskirk and Skelmersdale), the Council must retain the 15% and spend it in consultation with the local community in that unparished area.

As a result of these requirements, consultations on the use of CIL monies in unparished areas are only available to the local community in that area. Respondents will be required to provide their residential or business address so that we can ensure that respondents have a direct connection to that area as only their responses will be taken into consideration.

Appropriate schemes in non-Parished areas will be identified as part of the wider assessment and shortlisting for strategic projects, with those projects in non-parished areas, and with available neighbourhood CIL receipts, taken forward for consultation. Consultation on non-Parished monies will be undertaken alongside that for strategic projects.

#### **Publicity and consultation**

We will publicise the consultation through selection of a range of methods, including

- Dedicated pages on the Councils website ([www.westlancs.gov.uk/cfp](http://www.westlancs.gov.uk/cfp))
- Press advert in the free press (Champion paper, or equivalent)
- Mail-out to those registered for electronic and paper updates on consultations
- Placing all materials on deposit at West Lancashire Council Offices and libraries

We will accept comments:

- Online through a dedicated portal

Following the close of consultation, officers will consider all comments received and prepare a final CIL Funding Programme report with recommendations to Members. Members will then be responsible for deciding which schemes receive CIL funding in the following financial year.

## **4.0 COMMUNITY INVOLVEMENT IN DEVELOPMENT MANAGEMENT**

This section explains how planning and related applications are dealt with and outlines the Council's consultation arrangements. In total the Council receives approximately 1,250 planning and related applications per year. The main purpose of the planning process is to regulate the development and use of land in the public interest.

### **4.1 The Planning Application Process**

The planning application process involves the making, consideration and determination of applications for 'development'. Development can be either building works or a material change in the use of land. There are also other types of planning applications that do not involve 'development' as such, but fall under Planning Regulations. 'Planning-related applications' can also be made for:

- Approval of reserved matters;
- Permission in principle;
- Discharge of conditions;
- Listed building consent;
- Amending proposals that have planning permission;
- Amending planning obligations;
- Lawful development certificates;
- Prior approval for some permitted development rights; and
- Non-planning consents (such as advertisement consent, consent required under a Tree Preservation Order, and hazardous substances consent).

#### **4.1.1 Timescales**

The government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major<sup>13</sup> applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development, the period will extend to 16 weeks. Some of the timescales for dealing with 'planning-related applications' are shorter than the standard 8 week period.

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<sup>13</sup> The government's definition of a Major application is development involving any one or more of the following:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where -
  - (i) the number of dwellinghouses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more

## 4.2 Permitted Development

However, not all 'development' requires an application for planning permission. For some works, planning permission is automatically granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 so these works can be carried out as 'Permitted Development'. For example, you can make certain minor changes to your house without needing to apply for planning permission. These are called "permitted development rights". Other examples of permitted development include certain changes of use, for example from a shop to a travel agent.

If you are unsure whether or not you need planning permission or other planning-related consents for the development you are contemplating, you should visit the Council's website:

<http://www.westlancs.gov.uk/planning/planning-applications-enforcement/do-i-need-planning-permission.aspx>.

In most cases, where you need to know whether or not an application for planning permission is required, you may be advised to submit a request (in the form of an application) for a 'Certificate of Lawfulness for Proposed Use or Development'. A fee is charged for this process, 50% of the planning application fee for the same development. Pre-application planning advice may also be sought (see section 4.3 below).

For up-to-date information on how to make a planning application, guidance notes and other useful advice are available on the planning pages of the Council's website: [www.westlancs.gov.uk/planning](http://www.westlancs.gov.uk/planning).

These pages include a link to the government's Planning Portal website <http://www.planningportal.gov.uk/permission/>. The Planning Portal provides a wealth of guidance, including an 'interactive house', a useful resource if you are considering works to your house.

## **4.3 Pre-Application Advice**

### **4.3.1 Why should I seek pre-application advice?**

The Council welcomes and encourages applicants and developers to seek pre-application advice from the Council prior to the submission of a formal planning application. There are a number of benefits in seeking advice before making an application, including:

- It provides early guidance on the planning policies relevant to your development and helps you to understand how these policies apply to your proposal;
- It can identify at an early stage whether there is a need for specialist information such as a tree survey, flood risk assessment, or ecological assessment;
- It will ensure you know what information you need to submit with the application, thereby making sure it can be registered and validated without undue delay;
- It can give a greater degree of certainty of whether your application is likely to be successful;
- It enables proposals to be changed and potential problems overcome before an application is submitted, saving time during the application process and reducing the risk of planning permission being refused;
- By identifying and addressing issues at pre-application stage, this can save time when an application is submitted and may result in a quicker decision.

In summary, pre-application discussions can help to achieve a better standard of application, improving the chance of a quicker decision and successful outcome.

### **4.3.2 What is required when submitting a pre-application enquiry?**

Normally pre-application enquiries involve the submission of sketch drawings and other relevant detail, and applicants are asked to fill in forms available on the Council's website. Generally, the more information you submit, the more detailed the Council's response will be, and the advice given. We aim to provide a response within 28 days wherever possible, or if a meeting is required, within 14 days of the meeting being held. We will advise on the likelihood of gaining an approval on an informal basis.

The schedule of charges for pre-application advice as well as the procedures for gaining pre-application advice is available on the Council's website at:

<http://www.westlancls.gov.uk/planning/planning-applications-enforcement/pre-application-advice.aspx>



### **4.3.3 How will the Council consult on pre-application enquiries?**

For major pre-application enquiries the Council may seek advice from internal and external consultees. However many of these external agencies offer their own direct pre-application advice service e.g. Lancashire County Council as highway authority, the Environment Agency and Merseyside Environmental Advisory Service.

During pre-application discussions officers will also advise developers on whether or not we feel the proposals would benefit from a process of community involvement before the application is submitted. National Planning Practice Guidance advises that 'pre application engagement with the community is encouraged where it will add value to the process and the outcome.' The Council understands that different developments will require public consultation to be tailored to suit the individual circumstances but on significant schemes a public meeting, exhibition and / or leaflet drop in the local area may be required. At pre-application stage, the Planning Officer will be able to agree an appropriate consultation plan for major development proposals.

For wind energy development, pre-application consultation with the local community is mandatory for all onshore wind development of more than two turbines or where the hub height of any turbine exceeds 15 metres<sup>14</sup>.

The community consultation measures outlined above are not necessary for small scale applications e.g. house extensions or single dwellings. However, we emphasise to applicants / developers the benefits to be gained by discussing proposals with neighbours who may be affected by the development, and taking account of their comments when drawing up the formal planning application.

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<sup>14</sup> Town and Country Planning (Development Management) Procedure / Section 62A Applications (England) (Amendment) Order 2013 (SI 2932).

## **4.4 Managing Development**

### **4.4.1 Who will we consult?**

The Council exercises its development management functions in the public interest and is committed to publicising and consulting widely on planning proposals. Upon receipt of a planning application the Council will undertake a period of formal consultation.

Depending on the type of planning application being considered, the Council is also required to consult various organisations and bodies and to invite them to make representations, as set out in the Town and Country Planning (Development Management Procedure Order) (England) (2015).

The main type of consultation groups include:

- The Public – including consultation with neighbouring residents and Parish Councils;
- Statutory Consultees – this is where there is a requirement in law to consult a specific body who in turn are under a duty to respond, for example, the Environment Agency, The Coal Authority, United Utilities, the Canal and River Trust and Lancashire County Council (as highway authority and Lead Local Flood Authority);
- Non-Statutory Consultees – these are not required by law but advice is sought where non statutory bodies are likely to have an interest in the proposed development, for example the Health and Safety Executive, or the Merseyside Environmental Advisory Service.

### **4.4.2 How will we consult?**

The level of consultation carried out for planning applications will be proportionate to the type and scale of planning application being determined. In all cases, publicity will meet legal requirements and in some cases, additional publicity may be carried out.

The regulations set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, The Planning (Listed Building and Conservation Areas) Regulations and The Planning (Listed Buildings and Conservation Areas) Act 1990, state how planning applications need to be publicised, either by site notice or individual neighbour notification.

Neighbour notification by letter is the principal method of consultation on most planning applications – in such cases, letters are sent to all owners / occupiers of properties that immediately adjoin the boundary of the application site. Where the Council is unsure of the owner of an adjoining site, for example where the application site adjoins open land, a site notice will be displayed.

In addition, a press notice and site notice is also required for the following types of applications:

- Major developments
- An application accompanied by an Environmental Impact Statement
- A departure from the Local Plan
- A development that would affect a public right of way, under Part III of the Wildlife and Countryside Act 1981
- Development affecting the character or appearance of a Conservation Area
- Development affecting a Listed Building or its setting.

Neighbours / interested parties are given 21 days to respond in writing to the consultation.

A weekly list of all planning applications is sent to Councillors, Parish Councils, the local press, the Borough's libraries<sup>15</sup>, the Citizens' Advice Bureau and local amenity groups. A copy of the list is also made available on the Council's website.

We consult neighbouring Councils where appropriate and also consult directly any properties in other boroughs which directly adjoin an application site.

There are various types of planning and related applications that are commonly submitted to the Council for determination. These are listed in Table 4.1 below, along with details of whom and how we will usually consult on different types of applications, depending on the particular circumstances.

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<sup>15</sup> If, in future, library facilities are no longer available, consideration will be given to finding suitable alternative venues in which to make information available.

**Table 4.1 Consultation procedure for planning applications by type**

Type of application	Characteristics	Publicity and Consultation
Small scale planning applications	These may include householder applications involving proposals to alter or enlarge a single house, including works within the garden, or minor proposals for non-residential development like small commercial extensions.	Notify immediate neighbours adjoining the site; Post site notice where the site adjoins open land Consult relevant statutory and non-statutory consultees; Publish on weekly list.
Major planning applications	These may be proposals for: <ul style="list-style-type: none"> <li>Housing development of 10 or more dwellings, or a site area of 0.5 hectares or more.</li> <li>Other development where the floor space to be built is 1,000 sq m or more, or where the site area is 1 hectare or more.</li> </ul>	Notify neighbours, site and press notices; Consult relevant statutory and non-statutory consultees; Publish on weekly list.
Applications affecting a listed building or conservation area or the setting of either	These may involve proposals for alterations, extensions or demolition of a listed building or any works to be carried out within or adjacent to a conservation area.	Notify neighbours, site and press notices; Consult relevant statutory and non-statutory consultees; Publish on weekly list.
Advertisement consent	Certain adverts require express consent from the Council to be displayed and will typically include adverts on shops and other commercial buildings.	Notify neighbours and highway authority if public safety impact and / or site notice Publish on weekly list.
Outline planning applications	This type of application is designed to establish the principle of a particular scheme. The full details are often not given at this stage, for example the full design details of the houses on a residential scheme. The full details are usually considered at the “reserved matters” stage.	Notify immediate neighbours and / or site notice Consult relevant statutory and non-statutory consultees; For major developments produce site and press notice; Publish on weekly list.
Reserved matters applications	This type of application follows on from an outline planning permission and considers the full details of the scheme, for example the house design and landscaping.	Notify immediate neighbours and / or site notice; Consult relevant statutory and non-statutory consultees; For major developments produce site and press notice; Publish on weekly list.
Change of use applications	This type of application considers an alternative use for a building or land, for example a change of use from grocers shop to a hot food takeaway.	Publish on weekly list; and / or site notice  Notify immediate neighbours; Consult relevant statutory and non-statutory consultees; For major developments produce site and press notice.

Type of application	Characteristics	Publicity and Consultation
Tree Preservation Order applications	This type of application considers works to protected trees	Discretionary neighbour notification/consultation.
Notification of works to trees in a Conservation Area	This type of application is a technical assessment of the work by a tree specialist that is not protected by a Tree Preservation Order.	Discretionary neighbour notification/consultation.
Non material amendments	This type of application involves a minor amendment to the approved scheme that does not require the submission of a new application.	No notifications carried out.
Prior approval applications	There are several types of proposal where the applicant must submit a prior approval application to the Council e.g. for demolition of certain buildings, for some forms of telecommunications development, for agricultural buildings, for larger home extensions and also change of use of certain buildings (e.g. offices and agricultural buildings to dwellings).	Publish on weekly list; Notify neighbours if appropriate and when timescales allow; Display site notice if required; Notify consultees if appropriate.
Lawful development certificates (existing)	This type of application is made where a change of use or development has already been carried out and the applicant wants to confirm that it is lawful	Notify immediate neighbours and / or site notice; Publish on weekly list.
Lawful development certificates (proposed)	This type of application is made where a change of use or development has not yet been carried out and the applicant wants to confirm that it is lawful	No notification carried out.
Discharge of conditions applications	This type of application is made because planning and related applications are often approved subject to conditions which require the submission of further information e.g. details of building materials, drainage or landscaping etc.	Notify relevant consultees.
EIA screening opinion	This type of application seeks to establish whether a proposed development will require an Environmental Impact Assessment.	Notify relevant consultees.
EIA scoping opinion	This type of application seeks to establish what information will need to be provided as part of an Environmental Impact Statement.	Notify relevant consultees.

The types of application listed above are not intended to be exhaustive. There may be other types of planning related development for which planning permission or prior approval may be obtained and which may require consultation in line with government Regulations. In such scenarios the Council will meet the minimum requirements for consultation, as set out by the relevant government Regulations.

#### **4.4.3 Notifying you of amendments**

Following submission of a planning application, negotiations between Planning Officers and developers / their agents may result in a revision to the proposed development necessitating the submission of amended plans.

If the amendments are significant, the Council will, upon receipt of amended plans, carry out a further consultation on these amendments. This consultation is likely to include re-notification of neighbours, Parish Councils and statutory consultees, depending on the nature of the changes and the likely implications. In view of the tight timescales to determine planning applications, the re-notification time may be reduced to 14 days.

#### **4.4.4 How to comment on a planning application**

Planning applications can be viewed in full on the Council's website. Alternatively, applications can be viewed online during working hours using computers at the Council's Customer Service points (52 Derby Street, Ormskirk, and 1<sup>st</sup> Floor, The Concourse, Skelmersdale).

Applications for planning permission are entered onto a register. Maintaining a planning register is a statutory obligation and the information is available on the Council's website.

Comments may be made on any planning application, by anyone, regardless of whether or not they were consulted individually. All comments must be made in writing and must contain the name and address of the author. The Council will not take into consideration any anonymous comments received. Any comments of a personal nature against an individual / group or any offensive content will be returned to the sender and will not be published on our website.

All comments received are public information and cannot legally be kept confidential. As such, written representations received on planning applications are published on the Council's website, unless they are of a personal nature or offensive. Therefore, comments should not include any personal information, for example phone numbers or signatures. When submitting comments by email it is recommended that they be sent as an attachment in order to avoid publication of personal email addresses.

Please note that comments should be submitted within the identified consultation period as the Council may be in a position to determine the application as soon as the neighbour consultation period expires. If this date cannot be met, consultees should contact the case officer well in advance of the consultation period ending to see whether it is possible for an extension of time to be granted for comments to be submitted.

The Council welcomes comments, whether in support of, or opposition to, an application, but the Council can only take account of material planning considerations. These include matters like the effect on traffic or parking, the appearance of the proposal, overlooking or disturbance, overshadowing, loss of privacy, and loss of ecological habitats. We cannot take into account matters such as loss of property value, private disputes between neighbours, matters covered by leases or covenants, the impact of construction work and competition between firms. A list providing examples of valid (and invalid) planning considerations is included in Appendix E.

#### **4.4.5 How are Applications determined?**

Planning Law requires that decisions be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan is currently the West Lancashire Local Plan. The views of statutory consultees and the public are important in making decisions on planning and related applications. However they are just one consideration amongst several in the overall decision making process and must be weighed alongside local planning policy set out in the West Lancashire Local Plan and related guidance, national policy set out in the National Planning Policy Framework, and other material planning considerations.

Having assessed an application, the case officer will prepare a report summarising the comments received from consultees and other interested parties. Taking account of development plan policy and other material considerations, he or she will assess the planning issues and recommend whether the application should be approved or refused. The application will then be determined under delegated powers by authorised officers of the Council. Some 90% of planning applications are determined in this way, under the delegated powers of the Corporate Director of Place and Community.

However, most major and / or controversial applications are reported to the Planning Committee for decision by Members of the Council. If the application is to be decided by Planning Committee, comments received from consultees or the public will be set out in the case officer's report. Committee agendas are published 5 clear working days in advance of the meeting and are available on the Council website.

#### **4.4.6 Applications referred to Planning Committee**

Planning Committee meetings are held in public and if an application is to be determined in this way, we will inform the applicant / agent, the Parish Council and anyone who was directly notified in writing by the Council and who submitted comments on a particular application, of the date of the meeting.

The Council allows public speaking at Planning Committee meetings, subject to prior notification to the Council (at least 3 working days) before the Committee meeting. The following people may address the Planning Committee:

- Anyone objecting to an application who has been notified under the neighbour notification process by the Council, or his / her representative
- The clerk of a Parish Council or his / her representative
- The applicant or his / her representative, but only where it has been agreed that a third party objecting to the proposal may speak.

Planning Committee agendas are often long and complex, and meetings can last for several hours. In order to ensure that Planning Committee meetings are effectively managed, requests to speak are to be put before the Committee Chairperson. If there is more than one speaker in any category then the Chairperson will decide how many can speak; this will be done the day before the meeting. Groups (e.g. of residents) are asked to nominate one person to speak on their behalf. In the case of large and complex schemes if two objectors are heard they should avoid duplicating points made by other speakers. Each speaker has no more than three minutes.

If you feel unable to address the Planning Committee, a Ward Councillor may be willing to put your view to the Committee. Details of Ward Councillors are available on the Council website at:

<http://www.westlincs.gov.uk/about-the-council/councillors.aspx>

#### **4.4.7 Finding out about a decision**

A list of planning decisions is available on the Council's website. A copy of the case officer's report setting out the reasons for the decision will be available on the website. The Council advises that interested parties check the status of the application on the website as people who have commented on an application are not notified that a decision has been made.



#### **4.4.8 Planning Appeals**

If an application for planning permission is refused by the local planning authority, or if it is granted with conditions that are unacceptable to the applicant, an appeal can be made to the Secretary of State against the refusal of permission or against the conditions attached. There is also a right of appeal if an application is not determined within a specific time, and a right of appeal against the issuing of an Enforcement Notice.

Only applicants have a right of Appeal. There is currently no third party right of appeal in respect of planning decisions.

Appeals are examined by an independent Planning Inspector appointed by the government. We will notify in writing all those who made written comments upon the original application. Copies of their comments will be forwarded to the Planning Inspectorate and the Council will inform people how to make further representations to the Planning Inspectorate.

Further advice on the appeal process is available at:

<http://www.planningportal.gov.uk/planning/planninginspectorate>

## **5.0 WORKS TO TREES**

Tree Preservation Orders (TPOs) provide protection to trees, either as individual trees, groups of trees, or as woodlands, to prevent or control the cutting down, uprooting, topping, lopping, wilful damage or destruction of the trees or woodlands.

Trees in Conservation Areas have a level of protection whereby proposed tree works are notified to the Council to consider if the works are appropriate. If the works are not considered to be appropriate or reasonable then the Council has the option to make a TPO.

Any new TPO is open to a period for objections and representations, before the Council decides to confirm the Order or not. Any persons that may be affected or have an interest in the new Order will be served a copy.

To undertake work on a protected tree, permission must be obtained from the Council, unless the proposed works are exempt.

### **5.1 When will we consult?**

The Council is not under an obligation to undertake a consultation, but will seek to consult on any applications for work on trees that are considered to be of particular interest to the wider public.

The standard timescale for allowing people to make representations is 14 days. However, if proposed works are of significant interest to the wider public, the period for making representations can be extended.

### **5.2 Who will we consult?**

The Council will consult anyone who is considered to have an interest in the proposed tree works, including neighbours, the Parish Council, tree wardens and residents groups. There is also the option to take proposed works to Planning Committee for determination by Council Members.

Where a neighbour or any other party submits an application, the Council will endeavour to make sure the owner or occupier of the land on which the tree stands is informed and given a chance to comment.

### **5.3 How will we consult?**

Where we consult, we will use one or more of the following methods: letters, site notices, email, telephone, and occasionally press advertisements. The Council will keep a register of all applications for consent under a TPO. This register will be available for inspection by the public during office hours and on the Council's website via the public portal.

## **5.4 Hedgerow Removal Applications**

Under the ***Hedgerow Regulations 1997***, the LPA is required to consult the local Parish Council upon receipt of a 'Hedgerow Removal Notice'. The time given for a response is a minimum of 42 days.

## **5.5 High Hedges Complaints**

Where complaints are made in relation to high hedges between residential properties, most cases are unlikely to raise wider neighbourhood issues and the Council will not normally publicise these complaints. An exception might be where the trees in the hedge are protected by a TPO, or the hedge is situated in a Conservation Area.

The Council may occasionally seek views from the occupiers of properties, other than the complainant's, that might be affected by the hedge and so could potentially be affected by the Council's decision on the complaint. This may include properties that lie between the complainant's and the land with the hedge, or where a single hedge borders several adjoining properties. Otherwise, the Council will not normally take into account representations from people not directly involved in the dispute.

When consulting upon high hedges disputes, the Council will confine its consultations to those specialist organisations or individuals whose expert input will help inform the decision on the complaint, for example, English Heritage in the case of a hedge associated with a listed building.

## **6.0 CONSERVATION OF THE HISTORIC ENVIRONMENT**

### **6.1 Conservation Projects**

The Council is involved in supporting various heritage and conservation projects from time to time. Work which affects a heritage asset – whether a listed building, conservation area, or historic park – is rarely undertaken in isolation and very often involves the need to work in partnership with others, after consultation. The Council may use a number of methods to consult communities for this purpose. These include publishing details on the Council's website, writing to residents directly affected by proposals, and issuing press releases

### **6.2 Conservation Area Appraisals**

The Council has an obligation under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 to review, from time to time, its conservation area designations, and under Section 71 of this Act to formulate and publish proposals for the preservation and enhancement of these areas. The outcome of such a review might result in a change to the boundary of the conservation area.

Whilst the Council does not have to directly consult with communities, unless there are proposed amendments to the designated boundary of the conservation area or changes to permitted development rights, best practice guidance (published by Historic England) identifies a need to consult with residents and community organisations over Conservation Area Appraisal proposals.

When new documents related to West Lancashire's heritage are produced, designations revised, or planning controls amended, the Council will use a variety of methods to consult or inform people. These are set out in Table 6.1 on the following page.

**Table 6.1 Consultation methods in relation to changes within Conservation Areas**

	Website	Letters to residents affected	Notice in newspapers	Press Release
Conservation Area Appraisal update	✓	✓	—	✓
Proposed changes to Conservation Area boundary	✓	✓	✓	—
Withdrawal of Permitted Development Rights through an Article 4 Direction	✓	✓	✓	—

## 7.0 GENERAL CONSIDERATIONS

### 7.1 Equality & Diversity

All our consultation methods are in accordance with the Equality Act 2010, the Human Rights Act 1998 and the Freedom of Information Act 2000.

We will try to tackle difficulties with consultation in the following ways:

I have literacy problems	Upon request, we can make our information available in different formats, including other languages and braille. We may be able to arrange for a planning officer to meet with you and explain policies and proposals and help you fill in relevant forms.
English is not my first language	
My vision is impaired	
I find it difficult to understand technical planning documents	Planning is often quite complex with technical words (jargon). These are often required because of the technical and legal nature of planning. However, we do try to make sure that all our communication, consultation and publicity materials can be understood so people feel they can get involved in shaping their area. Council officers are always available between 9am and 5pm Monday to Thursday (4.45pm Friday) to take enquiries on the phone as well.
I do not have access to private transport	We try to plan meetings in convenient and local locations which can be accessed by public transport. Consultation documents will be placed 'on deposit' at accessible libraries <sup>16</sup> and Council offices across the Borough. Information will also be available on the Council website.
I find it difficult to attend meetings as I have children and no child minder	Children are welcome at many of our events. We try to arrange meetings in the daytime, in the evenings and sometimes at weekends to make sure that people can attend. We would encourage older children to get involved in discussing planning issues that affect, or will affect, them too.
I do not have any spare time to attend events	You can contact the Council by email or online to give us your views. Information is available on the Council website and can be accessed at any time.

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<sup>16</sup> If, in future, library facilities are no longer available, consideration will be given to finding suitable alternative venues in which to make information available.

Planning documents are too expensive for me to buy and get involved	All our documents are available on our website; many can be viewed at local libraries and at the Council's Customer Service Points (52 Derby Street, or the Concourse, Skelmersdale).
I live in a remote, rural area and do not usually receive consultation documents	We try to make sure that publicity materials reach residents even in the most rural areas of the Borough. However, all information can be found on the website. You can subscribe to our consultation database to make sure you receive notifications by email.
I do not have internet access	The internet and email tend to be the quickest form of communication. However, the Council is aware that not everyone has access to the internet and will still use traditional methods to support consultation and publicity. If people are able to use the internet to engage with consultation, this will be strongly encouraged by the Council as it should be the easiest way to engage effectively. The Council's Customer Engagement Team can help support customers to get online if they wish to gain these skills. The internet can be accessed for free at libraries and at Council offices.
I feel my views are ignored	The views of the community are important. Even if the eventual decision made by the Council on a planning matter is not what you requested or recommended, this does not mean your views were not taken into account. A range of factors are taken into account in making planning decisions, the views of the public being one such factor 'weighed in the balance'.
I don't like speaking in public	You can put your views in writing to us during any consultation. If you don't wish to speak, you may be able to nominate someone to do it for you.
I want to remain anonymous	Planning is a public process, and it is usually the case that we have to make publicly available the names of those providing comments. We cannot accept anonymous comments. We will always comply with the General Data Protection Regulation and not display personal details such as signatures, address, emails or telephone numbers. However, you should be careful not to include personal information about yourself or other people in your responses unless you and they are happy for it to be published for public reading.
I receive too much consultation material	Our consultation database enables you to refine your details, so you can opt in or out of certain consultation topics.

In keeping with Council policies, consultation pro-formas and surveys will usually be accompanied by a non-compulsory 'Equality and Diversity' questionnaire. The Council requests that these be completed and returned along with any planning representations made. This information will be kept confidential at an individual level, but collectively will enable the Council to gain a better understanding of the diversity of the population with which it is dealing, and help make sure that the Council targets its services appropriately. If necessary, we can review our consultation methods to make sure that various equality groups are being reached.

## **7.2 How we will safeguard the information**

Personal information supplied to the Council must be held securely in accordance with the provisions of the General Data Protection Regulation.

## **7.3 Freedom of Information Act 2000**

The Council is required under the Freedom of Information Act 2000 to pass on certain information if requested by third parties or government departments unless the Act allows us to withhold that information. Examples of when this might occur are if the information requested is held in confidence, or if the information requested is commercially sensitive. If information is passed on in response to a Freedom of Information request, any personal data would be removed from the said information before being passed on.

## **7.4 Purdah**

The pre-election period (or 'purdah') is the term used to describe the period between the time an election is announced and the date the election is held. During this time, there are restrictions on certain activities that officers and Members of the Council undertake. It is unusual that public consultation on major, or potentially controversial, matters would take place during purdah, although there is not necessarily a complete cessation of consultation at this time.



# APPENDICES

**Please note: the lists within the following appendices are not exhaustive and will be updated as necessary.**

## **Appendix A: Duty to Co-Operate Bodies**

The Localism Act 2011 and the 2012 Regulations prescribe the following bodies who are subject to the Duty to Co-operate in relation to the local development documents where they relate to a strategic matter. These duties also apply to the Local Planning Authorities and County Councils.

- Lancashire County Council (as County Council, transport authority, highway authority, education authority and as minerals and waste authority)
- Sefton Metropolitan Borough Council (MBC) (as neighbouring authority and neighbouring highway authority)
- Knowsley MBC (as neighbouring local planning authority (LPA) and neighbouring highway authority)
- St Helens MBC (as neighbouring LPA and neighbouring highway authority)
- Wigan MBC (as neighbouring LPA and neighbouring highway authority)
- Chorley Borough Council (neighbouring LPA)
- South Ribble Borough Council (neighbouring LPA)
- Fylde Borough Council (neighbouring LPA)
- Highways England
- Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- Lancashire Care NHS Foundation Trust (as the Primary Care Trust)
- Office of Rail Regulation
- Liverpool City Region Combined Authority (as a neighbouring Integrated Transport Authority)
- Greater Manchester Combined Authority (as a neighbouring Integrated Transport Authority)
- Marine Management Organisation
- Lancashire Enterprise Partnership

The 2012 Regulations also include Transport for London and the Mayor of London in the list of Duty to Co-Operate bodies.

## **Appendix B: Specific Consultation Bodies**

(These incorporate Statutory Consultees; they may be replaced by successor bodies.)

- The Coal Authority
- The Environment Agency
- Historic England
- Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- Highways England
- Adjacent Local Planning Authorities
- Parish Councils
- Telecommunications companies
- Utilities companies (electricity, gas, sewerage, water)
  - United Utilities
  - National Grid
  - Electricity North West
  - Scottish Power
- Health authority (Lancashire Care NHS Foundation Trust - as Primary Care Trust)
- Homes and Communities Agency
- Education authority (Lancashire County Council)
- Highways authority (Lancashire County Council)
- Lead Local Flood Authority (Lancashire County Council)
- Emergency services
  - North West Ambulance Service
  - Lancashire Police
  - Lancashire Fire & Rescue Service
- Health services
  - Southport and Ormskirk Hospital NHS Trust
  - NHS West Lancashire Clinical Commissioning Group
- Office of Rail Regulation
- Civil Aviation Authority
- Lancashire Enterprise Partnership
- Lancashire Local Nature Partnership
- Civil Aviation Authority

## **Appendix C: General Consultation Bodies**

- Canal & River Trust
  - The National Trust
  - Sport England
  - West Lancashire Council for Voluntary Service (CVS)
  - Liverpool City Region Authorities
  - Lancashire Authorities
  - Department for Environment, Food and Rural Affairs (DEFRA)
  - Age UK
  - Airport Operators
  - Church Commissioners
  - Diocesan Board of Finance
  - Disability Rights Commission
  - Campaign to Protect Rural England
  - RSPB
  - Wildlife Trusts
  - Friends of the Earth
  - Forestry Commission
  - The Theatres Trust
  - Gypsy Council, other organisations representing Gypsies and Travellers
  - Post Office property holdings / Post Office operators
  - Rail Companies
  - Voluntary bodies working in the area
  - Bodies which represent the interests of different racial, ethnic or national groups in the area;
  - Bodies which represent the interests of different religious groups in the area;
  - Bodies which represent the interests of disabled persons in the area;
  - Bodies which represent the interests of persons carrying out business in the area.
- The Council website contains a list of different equality groups that it uses for consultation:  
<http://www.westlancs.gov.uk/about-the-council/how-the-council-works/equality-and-diversity/find-more-information.aspx>

## **Appendix D: Other Consultees**

- Local business groups
- Local community groups
- Local leisure and sports groups
- Local registered social landlords
- Local resident associations
- Council developer partner(s)
- Developers and landowners
- General public

## **Appendix E – Valid Planning Considerations**

Planning Law requires that decisions be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In reaching decisions on planning applications, the Council must therefore take into account the policies of the Local Plan, any supporting guidance which is relevant and national legislation. The Council also takes into account any comments made which are in relation to ‘material planning considerations’.

Material planning considerations are matters that can be taken into account when deciding a planning application or an appeal. The planning system does not exist to protect the private interest of one person against the activities of another. Therefore, it cannot make decisions in relation to any resulting financial or other loss. To make decisions on planning applications, the Council needs to ask whether the proposal would unacceptably affect amenities and existing use of land and buildings which should be protected in the public interest.

The list below provides some common examples of material planning considerations although it is not exhaustive.

- Local, strategic and national planning policies
- Other government circulars, orders, statutory instruments
- Amenity and privacy of dwellings
- Environmental qualities of the surrounding area or the visual character of a street (including the design and materials, scale and landscaping, layout and density)
- Availability of a mixed housing stock
- Road safety (in terms of dangerous access, additional traffic, car parking)
- Retention of local services
- Character of the area in terms of noise, light and other forms of pollution
- Impact on trees, especially if protected by a Tree Preservation Order
- Impact on public services, such as water supply, drainage
- Public rights of way
- Impact on character and appearance of Listed Buildings or Conservation Areas
- Need to safeguard valuable resources such as high quality agricultural land or mineral reserves
- Disabled persons access
- Previous planning decisions
- Nature conservation
- Archaeology

In some circumstances, arguments are made which do not consider planning issues and therefore are not taken into account when reaching a decision on an application. Applicants may sometimes use personal arguments in an effort to support their application. However, in many cases these will not outweigh the more general planning considerations as the use of the land and any buildings located on it will remain long after the applicants personal circumstances have ceased.

The list below provides a number of common points found in comments received by the Council which cannot be taken into consideration. Councillors will be advised that such arguments should not be taken into account when making decisions on applications. Again, this list is not exhaustive.

- The applicant has already started work on the proposed development (carrying out any work prior to receiving planning permission is done at the persons own risk; the fact work has commenced will not affect the Council's decision)
- The applicant does not own the land to which the application relates. This issue can be overcome through agreements with the landowner.
- Fear that the proposal may devalue neighbouring properties. Such market forces, and private financial matters, are outside the control of planning.
- The applicant has carried out unauthorised development in the past. Each case is considered on its own merits.
- Objections relating to concerning competition in business trading
- Moral objections – e.g. for casinos or betting shops
- Allegations that proposals may affect private rights. These are legal matters and objectors should consult their own solicitors / advisors. Planning officers are not able to provide advice on such issues.
- The loss of an individual's attractive view
- The fact that an objector may be a tenant of the land where the development is proposed. The landowner can terminate the tenancy whenever they choose and whether development takes place or not, therefore any consequences are considered to be unrelated to the application.
- The belief that the applicant has submitted the application in order to profit from the land.

It is important to understand that any considerations of relevance to a particular planning application will be considered in reaching the final decision and will each be weighted according to its relative importance in planning terms.