



# **West Lancashire Statement of Community Involvement**

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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, stakeholders and other organisations about the development of their area, and explains how they can engage 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 determining 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 set out the background and context for the SCI, detail **what** will be subject to consultation, **who** could be consulted, **how** consultation can be carried out and **when** consultation will take place.

### 1.3 Why is a new SCI required?

The Council published its original SCI in 2007, with an addendum produced to update it in 2009. Since then, there have been several significant changes to planning legislation, and these need to be reflected in a new SCI. An updated SCI also provides the Council with the opportunity to review and improve its approaches to consultation, based on experience and best practice, and to reflect new consultation methods – such as the use of social media.

The SCI formerly had ‘Development Plan Document’ status, but this is no longer the case. As a result, the Council can adopt the SCI without it being submitted to the Secretary of State for independent examination. This new West Lancashire SCI, adopted in June 2016, will replace the 2007 SCI and its 2009 addendum.

### 1.4 Why is consultation important?

The government has placed an ever-increasing emphasis on localism – to empower local communities to get involved in decision making. The Council also recognises that meaningful engagement with local communities and other ‘stakeholders’ can help in the planning process and increase public support for 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.

It is, however, important that people understand that whilst all views made to the Council are considered, it is not always appropriate and / or possible for the Council to accommodate each request for change. Part of the Council's role is to balance competing interests and this will inevitably disappoint some stakeholders. It should also be remembered that feedback from public consultation is only part of the evidence base upon which decisions are taken.

Furthermore, when consulting on planning matters, it is not the quantity of comments registered but the relevance of the planning-related arguments contained within them that are important. As an LPA, the Council needs to balance the views of all sides in forming their decisions. The Council will clearly document how decisions have been reached to demonstrate how all comments have been considered. These are called **Feedback Mechanisms**.

### 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***, 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) 2012*** sets out the importance of community involvement and multi-agency consultation, and further emphasises the importance of cross-boundary co-operation;
- The ***Community Infrastructure Levy Regulations 2010*** (as amended) set out the minimum requirements for consultation on the Community Infrastructure Levy;
- ***Section 69*** of the ***Planning (Listed Building and Conservation Areas) Act 1990*** 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 consultation requirements. Once the SCI is adopted, the Council will need to follow the procedures for consultation and engagement set out in the document.

When Council-produced development plan documents (DPDs)<sup>1</sup> are examined by independent Inspectors appointed by the Secretary of State, the documents will be tested for “soundness”<sup>2</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.

## **1.6 Duty to co-operate**

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

The 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 Duty to Co-operate ‘prescribed bodies’. These bodies are listed in Appendix A of this SCI.

## **1.7 Contexts and links with other strategies**

A number of documents are also relevant to the preparation of the SCI. These include:

- [West Lancashire Borough Council Sustainable Community Strategy 2007-2017 \(SCS\)](#) – this sets out the Council’s approach to community engagement
- [West Lancashire Borough Council Local Development Scheme \(LDS\)](#) – this sets out the timetable for the preparation of planning policy documents

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<sup>1</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>2</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’.





## 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 in Development Management. 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 consultation are development plan documents (DPDs), including the Local Plan, and supplementary planning documents (SPDs). The processes for producing DPD and SPDs vary, and, consequently, so do consultation arrangements / procedures.

### 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.

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

The Council will maintain a **database** containing the contact details of individuals, groups and other bodies that wish to be kept informed of planning consultations. 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 in accordance with the provisions of the Data Protection Act, and will be regularly updated.

If you wish to be added to, or removed from, this database of ‘other consultees’, please contact the Strategic Planning and Implementation Team on 01695 585284, by email at: [Localplan@westlancs.gov.uk](mailto:Localplan@westlancs.gov.uk), or 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. This should enable people to broadly know when to expect consultation. Each formal consultation stage will be publicised by the Council.

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. The main DPD is the Borough-wide West Lancashire Local Plan 2012-2027<sup>3</sup>. DPDs are a 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 do 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 also consult on a number of the informal stages of the DPD's preparation. These may include the Options and Preferred Options stages.

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

Table 2.1 (overleaf) 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 for informal stages as well, where consultation has been 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 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>3</sup> The terms 'DPD' and 'Local Plan' can be used interchangeably in this section.

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

Stage	DPD Preparation Stage	Regulation number <sup>4</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	As necessary for each element of evidence	As necessary for each element of evidence
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	Y	Y
3	Issues and Options	-	To gather evidence on the issues and options for suggested policy directions and to undertake initial work on the Sustainability Appraisal.  To notify persons/groups of the issues for the DPD and 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 document taking into account the comments made at the Issues and Options stage 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 the comments made at previous stages, along with a Sustainability Appraisal report. The document will be made available for public consultation.	Y	Y

<sup>4</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

Stage	DPD Preparation Stage	Regulation number <sup>4</sup>	Purpose	Consultation required?	Publicity required?
6	Submission of a Local Plan to the Secretary of State	Reg. 22	All representations received at Publication stage will be collated, summarised, and forwarded to the independent Planning Inspector appointed by government to examine the DPD.  A statement setting out how the DPD meets the SCI commitments will also be submitted.	N	Y
7	Independent examination by a Planning Inspector (formal)	Reg. 24	The Examination considers the soundness of the DPD, which includes an assessment of whether the LPA has considered the views of the community and met the requirements of the SCI.	N	Y
8	Main Modifications		The Inspector may recommend a series of modifications to make the DPD 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.	Y	Y
9	Publication of Inspector's Report  Adoption of the DPD	Reg. 25  Reg. 26	Subject to the recommendations of the Planning Inspector, the Council will adopt the DPD document as soon as practical and will notify consultees of the publication of the Inspector's Report and the adoption of the Plan.	N	Y
10	Monitoring & review		Annual Monitoring will be undertaken to track the performance of policies and to advise on any necessary adjustments.	N	N

### 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.

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. Sustainability Appraisal reports are also subject to wider public consultation, usually at the same time as 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 to 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) (Optional)	Publication & Submission (Regs.19,20,22)	Inspector's Report & Adoption (Regs. 25,26)
Website	✓	(✓)	✓	✓
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	N	N	N	N
Staffed exhibitions	Optional	Optional	Optional	N/A
Unstaffed 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
Schools	Optional	Optional	Optional	N/A
Groups consulted / notified	Statutory, general and public.	Statutory, general and public. Representors from previous stage.	Statutory, general and public. Representors from previous stage.	Statutory, general and public. Representors from previous stage.
Duration	Minimum 4 weeks	Minimum 6 weeks	Minimum 6 weeks	
Feedback Report produced	Y	Y	Y	N

#### **2.1.4 How will we feed back the results?**

Following each round of 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 DPD as a result of the comments. This will be shared with Members to inform their decisions on the next stage of the DPD's preparation, and will be published on the Council's website. The Council is not bound to respond to each individual submission / representation to the consultation.

## 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 any planning decision.

The 2012 Regulations set out two stages of SPD production where consultation and / or publicity is required. They are the public participation stage (Regulations 12 and 13) and adoption (Regulation 14).

However, the regulatory stages may not always provide adequate opportunity for the views of the community to feed back into preparation of the SPD. Therefore, in the interests of best practice and positive public engagement, the Council may sometimes carry out an extra stage of consultation when preparing an SPD, for example if there are significant changes proposed to the document following one round of consultation.

### 2.2.1 When do we consult?

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

**Table 2.3 Preparation Stages for SPDs**

Stage	Preparation Stage	2012 Regulation	Purpose	Consultation required?	Publicity required?
1	Evidence gathering	-	To gather evidence to inform the preparation of the SPD	N	N
2	Scoping / Issues	12(a)	To set the scope of, and identify issues for, the SPD. 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.	Y	Y
4	Final SPD	-	To produce the final SPD.	N	N
5	Adoption of the SPD	Reg.14	Adoption of the SPD	N	Y
6	Monitoring & review		Annual Monitoring to track the performance of policies and make any necessary adjustments.	N	N

## 2.2.2 Sustainability Appraisal of SPDs

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

The Council, however, is required to determine whether an SPD requires SA / SEA, 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 / SEA is undertaken for an SPD, this process would take place in tandem with the preparation of the SPD, and the SA / SEA reports 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 will involve a number of set methods and, in addition, 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)	Final SPD (optional stage)	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	N/A	N/A
Neighbour letters	Optional	Optional	N/A	N/A
Staffed exhibitions	Optional	Optional	N/A	N/A
Unstaffed exhibitions	Optional	Optional	N/A	N/A
Forums	Optional	Optional	N/A	N/A



Method	SPD Preparation Stage			
	Pre-Draft (Scoping / Issues) (Reg. 12(a))	Draft SPD (Reg. 12(b) & 13)	Final SPD (optional stage)	Adoption (Reg.14)
Drop-in sessions	Optional	Optional	N/A	N/A
Social media	Optional	Optional	N/A	N/A
Schools	Optional	Optional	N/A	N/A
Groups consulted / notified	Statutory, general and public.	Statutory, general and public. Representors from previous stage.	Statutory, general and public. Representors from previous stage.	Statutory, general and public. Representors from previous stage.
Feedback Report produced	Y	Y	Y	N
Duration	Minimum 4 weeks	Minimum 6 weeks	Minimum 4 weeks	-

#### 2.2.4 How will we feed back the results?

Following each round of consultation, the Council will prepare a **Feedback Report**, 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.

## 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.

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 for reasons of time and cost. The table below sets out what methods are considered to be appropriate for Development Briefs. Where possible, the Council will run Development Briefs alongside other DPD / SPD consultation to maximise publicity.

### 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	N/A	To gather evidence in order to identify the issues and opportunities for development	N	N
2	Identification of issues	N/A	To identify issues for the SPD This is an <u>optional</u> consultation stage. Comments received at this stage will inform the preparation of the draft development brief. A Feedback Report will be produced.	Optional	Optional
3	Draft Development Brief	N/A	To prepare the draft development brief. To invite representations on the draft development brief. Comments received at this stage will inform the preparation of the final development brief. A Feedback Report will be produced.	Y	Y
4	Final Development Brief	N/A	To produce the final Development Brief.	Optional	Optional
5	Adoption of the Development Brief	N/A	Adoption of the Development Brief by Council.	N	Y

### 2.3.2 How do we consult?

**Table 2.6 Consultation on Development Briefs**

Method	Development Brief			
	Pre-Draft (Issues) (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	N	N	N	N
Neighbour letters	Optional	Optional	Optional	Optional
Staffed exhibitions	Optional	Optional	Optional	N
Unstaffed exhibitions	Optional	Optional	Optional	N
Forums	N	N	N	N
Drop-in sessions	Optional	Optional	Optional	N
Social media	Optional	Optional	Optional	Optional
Schools	N	N	N	N
Groups consulted / notified	Statutory, general and public.	Statutory, general and public. Representors from previous stage.	Statutory, general and public. Representors from previous stage.	Statutory, general and public. Representors from previous stage.
Feedback Report produced	Y	Y	Y	N
Duration	Minimum 6 weeks	Minimum 6 weeks	Minimum 6 weeks	-

## 2.4 Methods for publicity and consultation

Consultation on planning policy documents will be undertaken using a variety of methods. For non-optional consultations (i.e. those required by the 2012 Regulations), the Council will use set methods as a minimum. Additional methods may also be used, dependent on the type of document 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. This will include all the relevant documents, guidance on how to comment and comments forms (online and paper based). The Council may also publish the results of consultation exercises, including any feedback reports, on the website.
- **Email.** People will be able to register onto a consultation database to receive the latest news and updates on consultation and the preparation of policy documents. To ensure that costs are kept to a minimum, 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))
- **Letter.** For those people who still wish to receive notification by letter, they may register onto the Council's planning consultation database to receive news and updates on consultation and the 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 libraries and Council offices. Should library facilities be no longer available, alternative venues around the Borough will be considered and sought when the situation arises.

Additional methods to 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 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.
- **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 will 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 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.
- **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 will be used to support discussions and workshops. 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 be required to be registered in advance. Such forums will be advertised via some of the mediums 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 (Facebook, Twitter).** Consultations will be publicised through social media wherever possible, and updated technologies.
- **Schools.** The Council is keen to engage with young people and schools provide one opportunity for this. Where appropriate, the Council will contact schools to offer them the opportunity to work with planning officers, who can attend schools to run workshops with pupils.

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 possible

We will try to ensure that all 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

The Council will encourage the use of electronic-based modes (email, web, etc.) to submit and receive representations, in order to keep administrative costs and time to a minimum. The Council will, however, also accept representations on paper from those without access to the internet and / or a printer.

- **Electronic based**
  - **Website:** We will aim to have electronic surveys, questionnaires and forms available to complete from the Council website.
  - **Email:** Comments can be emailed to [localplan@westlancs.gov.uk](mailto:localplan@westlancs.gov.uk)
- **Paper based**
  - **Forms:** Paper based surveys, questionnaires and forms can be printed from the website, or collected from Council offices and public libraries<sup>5</sup>.
  - **Comments:** Comments can be posted to Planning Policy, West Lancashire Borough Council, 52 Derby Street, Ormskirk, L39 2DF.

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<sup>5</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>6</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>6</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 new development. CIL must be administered in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). The CIL Regulations state 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:

- Consultation on a Preliminary Draft Charging Schedule (Regulation 15)
- 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 will 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. The Council must also invite representations from residents and businesses in the Borough and voluntary bodies.

##### **3.1.2 When will 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	Requires Consultation	Requires Publicity
1	Evidence gathering	-	To gather evidence to inform CIL	N	N
2	Preliminary Draft Charging Schedule	Reg.15	Publish and invite representations on Preliminary Draft Charging Schedule.  Comments received at this stage will inform the preparation of the draft charging schedule.  A Feedback Report will be produced.	Y	Y
3	Draft Charging Schedule	Reg.16	Publish and invite representations on Draft Charging Schedule.  Comments received at this stage will be considered by the examiner.	Y	Y
4	Submission	Reg.19 Reg.21	Submission of Draft Charging Schedule and accompanying documents and representations to the examiner.  Publication of matters	N	Y
5	Publication of the examiners recommendations	Reg.23	Publication of the examiner's recommendations	N	Y
6	Adoption	Reg.25	Approval and publication of CIL Charging Schedule by Council.	N	Y

### 3.1.3 How will we consult and publicise?

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 stages covered by Regulations 15 and 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: CIL					
	Preliminary Draft Charging Schedule (Reg.15)	Draft Charging Schedule (Reg.16)	Submission (Reg.19)	Right to be heard (Reg.21)	Examiners Report (Reg.23)	Adoption (Reg.25)
Website	✓	✓	✓	✓	✓	✓
Mail out	✓	✓	✓	✓	✓	✓
On deposit	✓	✓	✓		✓	✓
Press notice		✓		✓		✓
Feedback Report produced	✓	✓	✓			
Duration	Min.6 weeks	Min.6 weeks	Min.6 weeks	-	-	-

### 3.1.4 How will we feed back the results?

Following the key rounds of consultation (Preliminary Draft Charging Schedule and Draft Charging Schedule), the Council will prepare a **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.

Viability will be monitored and reviewed at regular periods. Should any necessary changes to the Charging Schedule be needed as a result, the procedure for preparing a CIL Charging Schedule will be repeated and consultation undertaken at each stage.



## 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 1400 planning applications per year. A principal aim 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" which can be either building works or a material change of use. There are also other types of applications that do not involve development but fall under the management of the local planning authority and include applications for advertisement consent and listed building 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>7</sup> applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development, then this period will extend to 16 weeks.

### 4.2 Permitted Development

However, not all "development" requires an application for planning permission. Some works can be carried out as "Permitted Development" whereby planning permission is automatically granted by the Town and Country Planning (General Permitted Development) (England) Order 2015. Similarly, not all advertisements require consent from the Council; certain types of advert may be displayed with "Deemed Consent."

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>.

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<sup>7</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

The planning pages on the Council's website have useful advice including a link to the government's Planning Portal website. This includes an 'interactive house', a useful resource if you are considering works to your house.

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 of Proposed Use or Development". A fee is charged for this process, at 50% of a planning application fee for the same development. Pre-application planning advice may also be sought.

For up-to-date information on how to make a planning application, guidance notes are available on our website: [www.westlancs.gov.uk/planning](http://www.westlancs.gov.uk/planning). The government's Planning Portal provides a wealth of guidance on the same topic at: <http://www.planningportal.gov.uk/permission/>

## **4.3 Pre-Application Advice**

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

West Lancashire Borough 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, ecological assessment;
- It enables proposals to be changed and potential problems overcome before an application is submitted, saving time during the application process and minimising the risk of planning permission being refused;
- 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;
- 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, which improves the chance of a 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 which are available on the Council's web site. 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 at:

<http://www.westlancs.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 statutory consultees e.g. the highway authority, the Environment Agency, etc, and from non-statutory consultees e.g. Merseyside Environmental Advisory Service, in order to provide comprehensive pre-application advice.

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 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. Changes were made in 2015 to the planning consent regime for onshore wind farms of over 50MW. Previously these applications were dealt with by the relevant Secretary of State under the development consent order (DCO) system, rather than by the local planning authority. Now, the consent of the Secretary of State is no longer required, which brings larger onshore wind projects back under local authority control.

The community consultation measures outlined above are not necessary for small scale applications e.g. house extensions or single dwellings. However, we emphasise with 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.

## **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) (DMPO).

The main type of consultation groups include:-

- 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, and Lancashire County Council as Highway 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 and 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 will 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. For most planning applications, 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:



- Erection of 10 or more dwellings, or a site area of 0.5 hectares or more
- Erection of 1000 square metres of floorspace or site area of 1 hectare or more
- An application accompanied by an Environment Impact Statement
- A departure from the Local Plan
- A development that would affect the 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 the setting of a Listed Building.

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>8</sup>, the Citizen's Advice Bureau and local amenity groups (listed within the Appendices). A copy of the list is also made available on the Council's web site.

The West Lancashire Conservation Advisory Panel is consulted on applications affecting listed buildings or Conservation Areas.

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>8</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**

Types 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; 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	These may involve proposals for alterations, extensions or demolition of a listed building or any works to be carried out within a conservation area.	Notify neighbours, site and press notices. Consult relevant statutory and non-statutory consultees Consult Conservation Area Advisory Panel. 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. 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; 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; 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 Notify immediate neighbours Consult relevant statutory and non-statutory consultees For major developments produce site and press notice.

<b>Types of application</b>	<b>Characteristics</b>	<b>Publicity and Consultation</b>
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 some 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. 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. 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 or landscaping.	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 further initiatives through which planning permission may be obtained and which may require consultation in line with government Regulations<sup>9</sup>. In such scenarios the Council will meet the minimum requirements for consultation, as set out by the relevant government Regulations.

<sup>9</sup> For example, at the time of writing this SCI, Local Development Orders.

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

Following submission of a planning application, negotiations between Planning Officers and developers, and 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 time scales to determine planning applications the re-notification time may be set at 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 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 will be entered on 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.

All comments received are public information and cannot legally be kept confidential. All written representations received on planning applications are published on the Council's website. 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 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 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 name and phone number of the case officer dealing with the application is available on the Council's website and on notification letters. Telephone discussions may be held with the relevant case officer during office hours, and meetings made by appointment.

The Council welcomes comments, whether in support 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.

#### **4.4.6 How are Applications determined?**

The views of statutory consultees and the public are important in making decisions on planning and related applications. However they are just one consideration in the overall decision making process and must be weighed alongside national and local planning policy and guidance 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 and taking account of planning policy and other material considerations, will recommend whether or not 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 Director of Development and Regeneration.

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 the Planning Committee comments received from consultees or the public will be set out in the case officer's report. The Committee agendas are published 5 clear working days in advance of the meeting and are available on the Council web site.

#### **4.4.7 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 who has 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.westlancs.gov.uk/about-the-council/councillors.aspx>

#### **4.4.8 Notifying you of 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 web site. The Council advises that interested parties check the status of the application on the web site as people who have commented on an application are no longer notified that a decision has been made.

#### **4.4.9 Planning Appeals**

If an application for planning permission is refused by the local planning authority, or it is granted with conditions, an appeal can be made to the Secretary of State against the refusal or the conditions attached. There is also a right of appeal if an application is not determined within a specific time and against the issuing of an Enforcement Notice. Appeals are examined by an independent Planning Inspector. We will notify in writing all those who expressed an interest in 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's Heritage and Environment Team are 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 will often use a number of methods to consult communities for this purpose. This includes publishing details on the Council 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 the Borough'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 overleaf.

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

	<b>Website</b>	<b>Letters to residents affected</b>	<b>Notice in newspapers</b>	<b>Press Release</b>
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 Communication

The Council wants to make sure that communication is clear. The Council's Public Relations team have produced a Community Engagement Protocol, which contains good practice guidance for Council officers on the matter of consultation and community engagement. This Protocol is available on the Council website:

<http://www.westlancs.gov.uk/about-the-council/how-the-council-works/equality-and-diversity/find-more-information.aspx>

Council officers will endeavour to follow the Protocol when carrying out planning-related public engagement.

### 7.2 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 can 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.
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>10</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 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 encourage older children to get involved in planning too!

<sup>10</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.

I do not have any spare time to attend events	You can contact the Council by phone, letter or email to give us your views. Information is available on the Council website and can be accessed at any time.
Planning documents are too expensive for me to buy and get involved	All our documents are available on our website; most can be viewed at local libraries and Council offices.
I live in a remote, rural area and do not usually receive consultation documents	We try to make sure that publicity materials reach residents 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 best form of communication from the point of view of the Council. However, the Council is aware that not everyone has access to the internet. The Council will still use traditional methods to support consultation and publicity. 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.
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 so we have to make names and comments publicly available. We cannot accept anonymous comments. We will always comply with the Data Protection Act and not display personal details such as signatures, address, emails or telephone numbers.
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 should 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.

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

Personal information supplied to the Council must be held securely in accordance with the provisions of the Data Protection Act 1998.

### **7.4 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.



# 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 to 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)
- 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

In reaching decisions on planning applications, the Council must 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.