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**MEETING:** Management Board  
The Executive

**DATE:** 28 February 2005  
9 March 2005

**SUBJECT:** Bury Local Development Framework – Statement of  
Community Involvement

**REPORT FROM:** Executive Member for Environment and Transport

**CONTACT OFFICER:** Paul Allen – Planning Policy Manager

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**TYPE OF DECISION:** Key

**REPORT STATUS:** For publication

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**PURPOSE/SUMMARY:**

Under the new provisions of the Planning and Compulsory Purchase Act 2004 the Council is required to produce a **Local Development Framework (LDF)** which is the title given to a portfolio of documents setting out policies, allocations and guidance for the future development of the Borough. One of the first stages in the LDF process is to prepare a Statement of Community Involvement (SCI) that specifies how the Council will involve the community in the preparation of the LDF as well as in the processing of planning applications.

The Town and Country Planning (Local Development) (England) Regulations require that the SCI be made available for a six week period of consultation and participation prior to being submitted to the Secretary of State

This report seeks approval of the draft **Statement of Community Involvement** for pre-submission consultation and participation.

***A copy of the full Bury SCI document is available at the Members' Information Point, a copy has also been provided directly to Executive Members and a copy is also available on the Council's website at [www.bury.gov.uk](http://www.bury.gov.uk) under Planning Policy information.***

## **OPTIONS AND RECOMMENDED OPTION (with reasons):**

### **Option 1**

That Members approve the draft Statement of Community Involvement, in line with the contents outlined in this report, for a six week period of consultation and participation.

That Bury's draft Statement of Community Involvement be forwarded to Planning Committee for information.

That Bury's draft Statement of Community Involvement be forwarded to Scrutiny for information.

### **Option 2**

That Members seek revisions to the proposed content of Bury's draft Statement of Community Involvement prior to it being made available for a six week period of consultation and participation – Members to specify the nature of any revisions to be sought.

### **Recommended Option**

That Members approve the draft Statement of Community Involvement, in line with the contents outlined in this report, for a six week period of consultation and participation.

That Bury's draft Statement of Community Involvement be forwarded to Planning Committee for information.

That Bury's draft Statement of Community Involvement be forwarded to Scrutiny for information.

### **Reasons**

The Statement of Community Involvement sets out the Council's policy for involving the community in the preparation and revision of the various local development documents that make up the LDF as well as in considering planning applications. As such, it is considered important that the SCI is prepared at an early stage in order for it to provide the consultation and participation framework against which the preparation of future documents must comply.

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## **IMPLICATIONS -**

### **Financial Implications and Risk Considerations**

The Bury SCI is a document setting out Council policy and standards for engaging the community during the preparation of the various components of the Local Development Framework and in considering planning applications. These provisions will have

ongoing staffing implications, particularly for the Planning Policy Section, and financial implications in terms of research and information requirements, consultation requirements, production costs and costs associated with statutory procedures prior to adoption e.g. public examination costs, independent Inspector fees, legal and expert witness costs. See statement by Director of Finance and E Government below.

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? Yes  No

The existing Bury UDP forms part of the Council's Policy Framework (being one of the statutory plans listed under Article 4) and will be replaced eventually by Development Plan Documents to be produced under the new arrangements under the new Planning and Compulsory Purchase Act.

Are there any legal implications? Yes  No  (see paragraph .....)

**Considered by Monitoring Officer:** Yes  Comments:

The Monitoring Officer is satisfied that the proposals set out in this report are consistent with the statutory requirements placed on the Council as Local Planning Authority.

**Statement by Director of Finance and E-Government:**

The intended involvement of the community as set out in the SCI will require significant commitment of staff resources in the Planning and Economic Development Division over a sustained period, particularly in the Planning Policy Section. The production of documents and progress of such through the statutory procedures to adoption will also require significant financial resources, particularly at the public examination stages.

The revenue budget for the division, supported by Planning Delivery Grant, includes funding for the current staffing structure. However, filling of additional posts may require virements from other budgets or additional income/grant. A contribution of £25,000 per annum is made to a Development Plan Reserve for anticipated future costs; this provision is estimated to have a balance at 31 March 2005 of £141,000. These resources are available to support the requirements identified in the LDF, including SCI production costs, publicity and costs associated with statutory procedures prior to adoption e.g. public examination costs, independent Inspector fees, legal and expert witness costs. Investment in the consultation process should

help to minimize future costs by avoiding as far as possible the need for a future lengthy and controversial examination process.

Members should be aware that Central Government will judge future Council performance on 'planning policy' against programmes set out in the Local Development Scheme (as reported previously to the Executive on the 2 February 2005) and award Planning Delivery Grant accordingly. It will be increasingly important, therefore, to ensure that the Council has robust timetables and adequate resources for all aspects of LDF production from background research and evidence gathering, through inclusive public involvement to speedy preparation and quality document production.

**Staffing/ICT/Property:**

As indicated above it will be important to ensure that staffing levels are maintained if the consultation methods and procedures set out in the SCI are to be adhered to.

At the present time there are unfilled posts for a Temporary Planning Officer and a Monitoring/Compliance Officer. Commitment to vacant posts being filled will be important to assist in consultation and participation exercises.

ICT will play an important role in aiding consultation processes associated with the production of LDF documents. The Authority's website will need to carry details of all documents produced, allow representations to be made and respond quickly to update requirements.

In relation to property issues Development Plan Documents produced under the new LDF arrangements will contain revised/new planning policies and proposals which could have implications for land and property holdings. Subsequent reports will allow any implications to be assessed as policies and proposals emerge.

**Wards Affected:**

All wards

**Scrutiny Interest:**

Economy, Environment and Transport

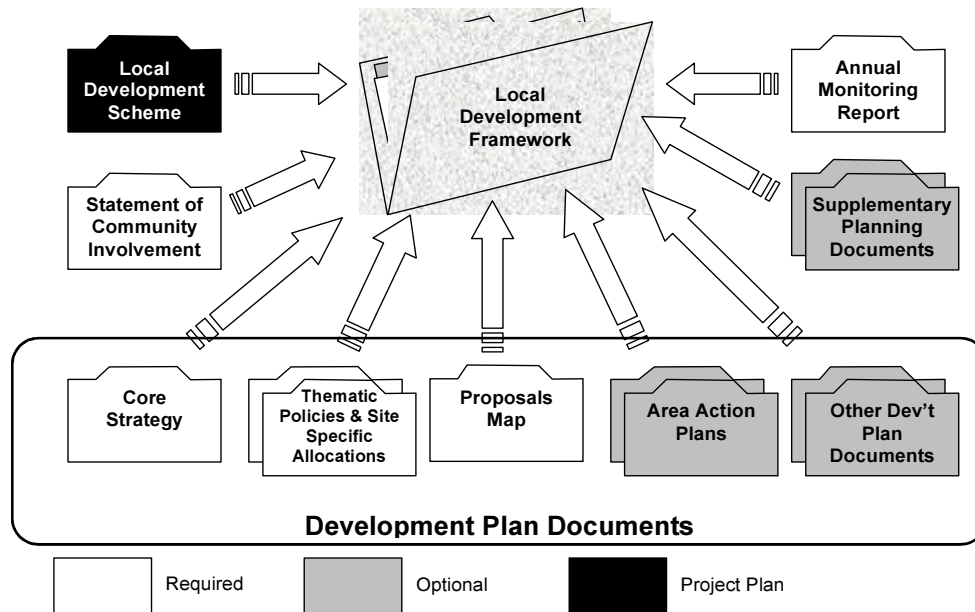
Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
28/02/05	22/02/05		
Scrutiny Panel	Executive	Committee	Council
	09/03/05		

## 1.0 BACKGROUND

- 1.1 New legislation under the Planning and Compulsory Purchase Act 2004 came into force in Summer 2004, and with it came sweeping changes for the reform of the development plans system, together with changes affecting regional planning functions, planning application procedures and compulsory purchase.
- 1.2 The LDF is effectively a “portfolio” of **Local Development Documents (LDDs)**, some of which will have development plan status and be subject to independent examination - **Development Plan Documents (DPDs)**, and others the status of what is currently known as supplementary planning guidance - **Supplementary Planning Documents (SPDs)**. The diagram below reflects the contents of the LDF.
- 1.3 The first step in the process is the preparation of a Local Development Scheme (LDS) which identifies the proposed content of the Framework and the timetables for its production. A report to the Executive on 2<sup>nd</sup> February 2005 covered the LDS (Minute EX.982).
- 1.4 Following on from this, is the preparation of the Statement of Community Involvement (SCI) which sets out the Council’s policy for involving the community in the preparation and revision of the various local development documents that make up the LDF as well as in considering planning applications.
- 1.5 This report brings forward a draft Statement of Community Involvement and seeks approval for it to be made available for a statutory six week period of consultation prior to it being submitted to the Secretary of State.

***A copy of the full Bury SCI document is available at the Members’ Information Point, a copy will also be provided directly to Executive Members and a copy is also available on the Council’s website at [www.bury.gov.uk](http://www.bury.gov.uk) under Planning Policy information.***

## Diagram: What a Local Development Framework Contains



## 2.0 ISSUES

### THE LOCAL DEVELOPMENT FRAMEWORK

- 2.1 The draft Statement of Community Involvement (SCI) sets out how the Council intends to involve the community in the preparation, alteration or revision of the various components of the LDF and in the decision making process for planning applications.
- 2.2 The term 'community' embraces all and includes local residents, businesses, organisations, land owners, statutory agencies and interest groups. Bury's draft SCI has been published in order to allow for a period of pre-submission public participation which allows the community to make representations and seek changes to it prior to being submitted to the Secretary of State.
- 2.3 To ensure a transparent and open planning process, which enjoys the support of the general public and involves local people in planning the future of their communities, people need to be involved in the early stages of Plan preparation. Once approved, the Council will need to comply with the requirements for consultation set out within this document.
- 2.4 The aim of the process of continuous community involvement in the new planning system is to produce consensus, so far as possible, on the form and content of any LDDs that the Council prepares and thus avoid the need for a lengthy and controversial examination process.

### Who will be Consulted?

- 2.5 In preparing LDDs, the Council will seek to constructively engage the local community. The Council will consult with a wide variety of groups and individuals by mailing those that are included on the existing development plan database as well as through general awareness raising exercises via

public displays and exhibitions. In addition, the Council will also undertake more formal community engagement involving:

- Conducting consultations or information sharing with local communities through the **Area Boards**;
- Utilising the existing **LSP** network as a forum for discussion and consultation;
- Establishing a small **Local Development Steering Group** comprising both Council Officers and selected Members in order to allow for informal discussion and debate during the early stages of the preparation of LDDs. It is intended that representatives of the Area Boards will also attend the Group;
- Using a variety of methods to relay information, generate discussion and engage those that are traditionally **hard to reach**. The Council will also have regard to the requirements of the Race Relations (Amendment) Act 2000 to promote racial equality and the Disability Discrimination Act 1995; and
- Responding to requests from **community groups and organisations** by undertaking presentations or discussion forums, as appropriate. In doing so, the Council will be able to exploit significant areas of expertise and local knowledge.

### **Methods of Consultation**

2.6 The following identifies the main methods of consultation that the Council will employ:

- During the consultation process on the previous UDP, the Council has been able to establish a comprehensive **database** that contains a wide range of individuals, businesses, organisations and groups that have expressed an interest in, or have responded to, previous consultation exercises involving the development planning process. This database will be used as an integral part of future consultation and community participation exercises.
- **Publicity material** will be made available within the Planning reception, the Town Hall and all of the Borough's libraries throughout normal office hours during the various stages in the preparation of LDDs. This will include exhibitions, posters, leaflets, relevant documentation and comment forms and is another way of extending the preparation of LDDs into the public domain.
- The Council will place all documentation relating to the preparation of LDDs on its **planning web site** at [www.bury.gov.uk](http://www.bury.gov.uk). Details of the consultation procedures will also be made available on the web site. In addition, the Council will be accessible to the public via e-mail that can be used to request any information or documentation in relation LDD preparation. The Planning Policy Section can be contacted via e-mail at [planning.policy@bury.gov.uk](mailto:planning.policy@bury.gov.uk).
- The Council will place **public notices and press releases in the local press** in order to publicise the progress of LDDs and, in particular, the various periods of public consultation. In addition, the Council will also publicise the LDF process via the Council's own 'Bury Metro News' that is delivered extensively to households throughout the Borough.

## **Opportunities for Community Involvement**

2.7 There will be numerous opportunities for community involvement during the preparation of the various LDDs that comprise the LDF, namely with regard to:

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

2.8 This is a local development document that, whilst not part of the development plan, is nonetheless subject to independent examination and has therefore to be made available for public participation and consultation. During the preparation of the SCI, there will be opportunities for community involvement during **pre-submission consultation**. Following on from this and taking into account comments received, a revised version will be prepared. This **submission version** will then be forwarded to the Secretary of State. At the same time, the Council will invite representations for a further 6-week period. Any unresolved comments will be considered by an Inspector presiding over an independent examination of the SCI.

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

2.9 During the preparation of all DPDs, there will again be a number of opportunities for community involvement.

2.10 The first stage in the preparation of DPDs will be based upon comprehensive evidence gathering during which the Council will engage the community on an on-going basis with a view to preparing **issues and options**.

2.11 Following on from the initial evidence gathering and preparatory work, the Council will produce a pre-submission version of the DPD that will indicate the **preferred options** for the particular DPD and this will be subject to a statutory and more formal 6-week consultation.

2.12 Taking account of comments raised in relation to the preferred options, the Council will prepare a submission draft of the DPD which will be forwarded to the Secretary of State. At the same time there will be a further statutory 6-week consultation.

2.13 Any unresolved comments will be considered by an Inspector presiding over an independent examination

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

2.14 SPDs are produced to support and provide additional information and guidance on policies and proposals contained in DPDs. They will essentially take the form of the former Supplementary Planning Guidance notes. The procedures for SPD is slightly more straight forward than for DPDs.

2.15 During the early stages in the preparation of SPDs, the nature of initial community involvement for SPDs will be dependent on its content. For example, if a SPD is being produced in relation to a major development site, the Council will undertake targeted consultation that focuses on those that the Council considers may be directly affected by what is being proposed. If,



however, the SPD is of a more technical nature, the Council's approach will focus more on engaging specialist stakeholders.

- 2.16 Following on from the evidence gathering, the Council will produce a draft SPD that will then be subject to a statutory period of consultation of no less than 4 weeks and no more than 6 weeks.

### **Reporting on Responses Received**

- 2.17 Following each period of consultation on any local development document, the Council will prepare a 'Responses Report' which clearly sets out the comments received, the Council's consideration of each comment, and whether any change to the document is required as a result of the comment. It is envisaged that all responses will be reported to Scrutiny.

## **PLANNING APPLICATIONS**

- 2.18 The Council's Development Control Section is responsible for the processing of all planning applications within the Borough and consultation is an integral part of the process. The following describe the various stages and forms of community involvement during the processing of planning applications.

### **Who will be Consulted?**

- 2.19 Community involvement in the development control process requires general consultation with the wider community and also more targeted consultation where it is considered that an individual, or set of individuals neighbouring the application site, could be directly affected by a development proposal.
- 2.20 Consultation on planning applications does not just involve the public. The Council must also consult the appropriate statutory bodies. In deciding which statutory body is consulted, the Council must take into account the nature and location of the proposal. Statutory consultees have 21 days in which to respond.
- 2.21 There are also a significant number of non-statutory bodies including local interest groups which the Council will consult in appropriate circumstances.
- 2.22 In publicising planning applications, it is necessary for the Council to strike a balance between consideration of cost, speed of decision making and providing a reasonable opportunity for public comment.

### **Methods of Publicity**

#### **Pre-Application**

- 2.23 The Council is often approached by developers prior to the submission of a planning application to discuss a development proposal and any issues that may arise from it. Where the Council consider a proposal to be of a scale and/or nature that is likely to generate significant levels of public interest, the prospective developer will be encouraged to engage the local community. Not only will this act as an awareness raising exercise for the public, it will also enable the developer to take on board the views of local people when drawing up the details of the development proposal. Engaging the community at this stage may, for example, involve a presentation to the relevant Area Board.

## Processing the Application

2.24 There are several stages following the receipt and during the processing of a planning application, where the Council will instigate community publicity and involvement and these are described below:

- Planning applications and the accompanying plans are available for inspection at the **Planning Division's reception** and if copies are requested, they will be produced at a charge.
- A **weekly list** of all planning applications received by the Planning Division is made available and publicised in the following ways:
  - The Council's web site.
  - Printed copies for those interest groups who do not have access to the internet site.
- **Site Notices** are posted on the application site in the certain circumstances
- **Press Advertisements** are undertaken in certain circumstances:
- **Area Boards** are notified of all major applications.
- **Neighbour Notification** letters are sent out to all adjoining occupiers

## Post- Application

2.25 A letter is sent to any person or organisation that made a submission with regard to a planning application advising them of the decision (whether it was determined by officers under delegated powers or at Committee). The decision, if taken at Committee, is also publicised in the Committee minutes on the Council's website.

## Process of Involvement

2.26 With regard to planning applications, the community will have opportunities to make their views known.

2.27 Neighbours will be notified of all applications and will have 21 days to respond to the proposals.

2.28 As part of the Council's initiative to encourage more involvement in its work, the Planning Control Committee has a policy of listening to views about planning proposals.

2.29 Only applicants have a right to appeal against a refusal of planning permission, against conditions imposed on a planning approval or against a non-determination of a planning application. There are no third party rights to appeal.

## 3 CONCLUSION

3.1 The Government are committed to community involvement in planning and under the provisions of the Planning and Compulsory Purchase Act, the Council's are required to prepare a SCI that sets out how it is intended to engage the community throughout the LDF process and in considering planning applications.

- 3.2 In general terms, the preparation of local development documents will involve 'front loading' community involvement. This requires intensive community involvement during the early stages of LDD preparation in the hope that this will enable differences of opinion to be negotiated and avoid the need for lengthy and complex public examinations. Community involvement during LDD preparation will also generate ownership and legitimacy for the policies that will shape the future development of the Borough.
- 3.3 In addition, the Government is equally keen to see the community involved in the processing of planning applications.
- 3.4 Members are requested to support the proposals for Bury' SCI as a realistic and constructive framework for involving the community.

**COUNCILLOR M CONNOLLY  
EXECUTIVE MEMBER  
FOR ENVIRONMENT & TRANSPORT**

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**List of Background Papers:-**

Planning and Compulsory Purchase Act 2004

Planning Policy Statement 12 – Local Development Frameworks and associated regulations and guidance.

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