

INSPECTOR'S REPORT
WIGAN COUNCIL
STATEMENT OF COMMUNITY INVOLVEMENT

Inspector: Mr Keith Holland

Date: June 2006

Wigan Council - Statement of Community Involvement (September 2005)

INSPECTOR'S REPORT

Introduction

- 1.1 An independent examination of Wigan Council's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks the examination has been based on the 9 tests set out, (see Annexe A). The starting point for the assessment is that the SCI is sound. Accordingly, changes are made in this binding report only where there is a clear need in the light of the tests in PPS12.
- 1.2 A total of 27 representations were received from 11 bodies, all of which have been considered. In response to the representations the Council put forward several suggested amendments to the SCI. Clarification on several matters was also sought from the Council. Their response is set out in a letter dated 1st June 2006 which contains further suggested amendments to the SCI, (see Annexe B). Many of the changes I recommend in this report are based on the Council's suggested amendments.

Test 1

- 2.1 Suitable detailed information has been provided in the submission documentation.
- 2.2 This test is met.

Test 2

- 3.1 Section three of the SCI explains how it links with the Council's Community Plan, Corporate Consultation Strategy and Consultation Toolkit. Paragraph 3.8 makes it clear that the Council will seek to link consultation exercises in order to avoid "consultation fatigue" amongst the community.
- 3.2 Paragraph 3.5 inappropriately states that the Local Development Framework has to accord with the Community Plan. This is contrary to soundness test 5 for Development Plan Documents (DPDs). It should be demonstrated that a document has "had regard to" the authority's community strategy. Therefore, I recommend below that this paragraph is amended accordingly.
- 3.3 Subject to the following recommendation, this test is met.

Recommendation:

Amend the first sentence of paragraph 3.5 so that it reads:

“The Local Development Framework, including this SCI, has to have regard to the Community Plan.”

Test 3

- 4.1 The types of groups that will be consulted are described in section four of the SCI. Appendix D contains an indicative list of bodies and distinguishes between statutory consultees and general/other consultees. Paragraph 4.16 makes it clear that the Council maintain a list of consultees for the LDF in their “community engagement database”. Paragraph 4.21 identifies groups in the borough which are considered to be “hard to reach”.
- 4.2 Section four and Appendix D fail to reflect that Parish Councils both in and adjoining the borough are statutory consultees. I also consider that Appendix D should clarify that when bodies listed cease to exist, successor bodies will be consulted. Further minor amendments to the Appendix are also necessary in order to improve its clarity and accuracy.
- 4.3 Subject to the following recommendations, this test is met.

Recommendations:

Insert the following at the end of paragraph 4.5:

“This includes Parish Councils in and adjacent to the borough.”

Delete paragraph 4.8.

In Appendix D, insert the following at the end of the first paragraph:

“Where bodies listed cease to exist, successor bodies will be consulted.”

In Appendix D, insert the following at the end of the second paragraph:

“or a Supplementary Planning Document.”

In Appendix D, under the sub-heading “Statutory Consultees”, insert:

“Parish Councils in and adjoining the borough”.

In Appendix D, under the sub-heading "Elected Representatives", delete:

"Neighbouring Parish Councils".

In Appendix D change "List of statutory consultees" and "List of general bodies and other consultees" to bold/larger text.

Test 4

- 5.1 Section six of the SCI, which incorporates Figures 3 and 4, explain when the community will be involved in the preparation of Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs) and accompanying Sustainability Appraisal. Table 2 in section five also aids this understanding. It is clear that consultation will be undertaken at the important early stages.
- 5.2 In terms of accessibility, paragraph 4.22 and Appendix F highlight that documents will be made available in alternative formats and languages upon request. Table 1 highlights that the Readers Panel will check that documents are written in plain English.
- 5.3 I consider paragraphs 6.9, 6.10 and Figure 3 should be amended to reflect that representations concerned with proposals for alternative site allocations will themselves be subject to a period of 6 weeks consultation. Furthermore, in Table 2, DPDs confusingly end at Stage 2b whilst SPDs inappropriately start at Stage 3. This error should be corrected. It should also be clarified in paragraph 6.14 that SPDs are not submitted for examination by an independent inspector.
- 5.4 Whilst I recognise the Council have put forward a suggested change to paragraph 6.3, I do not consider this is necessary. The level of detail in this paragraph is already suitable.
- 5.5 Subject to the following recommendations, this test is met.

Recommendations:

Amend Table 2 so that DPDs end at Stage 3 and SPDs start at Stage 1.

Add to the end of paragraph 6.9:

"Representations concerned with proposals for alternative site allocations will themselves be subject to a period of 6 weeks consultation (as soon as possible after they have been received). This will provide an opportunity for representations to be made to the alternative proposals. This process will be carried out in line with the regulations."

Amend the first sentence of paragraph 6.10 to read:

“DPDs are submitted for examination by an independent inspector, along with all representations made at this stage.”

On page 16, delete the sub-heading “Stage 3 – submission”.

Delete the first sentence of paragraph 6.14 and replace it with:

“SPDs are not submitted for examination by an independent inspector. Following consideration of representations received during the production stage, the council will amend the document as appropriate.”

Amend Figure 3 to show that representations concerning alternative site allocations at the submission stage will themselves be subject to a period of 6 weeks consultation.

Test 5

- 6.1 The methods of consultation are covered in section five of the SCI, which incorporates Tables 1 and 2. Table 1 describes possible methods of consultation whilst Table 2 outlines when and for who the methods are likely to be used in the production of DPDs and SPDs. Paragraph 5.1 makes it clear that the extent of the community involvement and methods to be undertaken at each of the stages will vary depending on the intended outcomes of each stage, (inform, consult or participate).
- 6.2 I support the Council’s suggested amendment to Table 1 to clarify that the Readers Panel is a sub-section of the Citizens Panel and representative of the borough. To be consistent with paragraph 5.1, references to “involve” in the fourth column of Table 1 should be replaced by “participate”.
- 6.3 Subject to the following recommendations, this test is met.

Recommendations:

Under the heading “Readers Panel” in Table 1, add:

“This is a sub-section of the Citizens Panel and is representative of the borough”.

In the fourth column of Table 1, replace references to “involve” with “participate”.

Test 6

- 7.1 The issue of resources is largely covered in section nine but is also referred to at other parts of the SCI. I am satisfied that the Council is alert to the resource implications of the SCI.

7.2 This test is met.

Test 7

8.1 Section seven of the SCI concerns feedback and indicates how the results of community involvement will be reported and taken into account. I support the Council's suggested addition to paragraph 7.2 to clarify that all formal comments and representations received will be available for public inspection.

8.2 Subject to the following recommendation, this test is met.

Recommendation:

Add to the end of paragraph 7.2:

"All formal comments and representations received will be made available for public inspection at the Council offices and all Wigan Borough libraries as soon as possible after they are received. It is also likely that these will be made available online, on the Council's website when circumstances allow".

Test 8

9.1 The issue of reviewing the SCI is covered in section ten. However, I consider the role of the Annual Monitoring Report should be clarified.

9.2 Subject to the following recommendation, this test is met.

Recommendation:

Add to the end of paragraph 10.1:

"We will monitor the extent of Community Involvement in our LDF work and will evidence our results in the Annual Monitoring Report. The results of this monitoring will aid a review of the SCI."

Test 9

10.1 The Council's policy for consultation on planning applications is set out in section eight of the SCI. However, I consider the council's policy in respect of consultation on amendments to planning applications should be clarified in this section. Paragraph 8.4 inappropriately defines major development in respect of minerals and waste as being "on sites of 1 hectare or more". This size threshold should be omitted.

- 10.2 I also consider that the newspapers in which press notices for planning applications will normally appear should be clarified in paragraph 8.19. Furthermore, the Council's policy in respect of publicity for applications that are on, or in close proximity to, the borough boundary should be clarified.
- 10.3 I consider bullet point 7 in Appendix F should be expanded to clarify that copies of planning applications and supporting documentation can be obtained from the Council for a small fee.
- 10.4 Below I set out a number of other recommendations that seek to further improve the clarity and accuracy of section eight, as well as the document as a whole.
- 10.5 It is apparent that the recommendations contained in this report will give rise to a need for further consequential amendments, in order to correct the paragraph numbering for example. I am content for such matters, plus any further minor spelling, grammatical, formatting or factual errors to be amended by the Council, so long as the underlying meaning of the SCI is not altered.
- 10.6 Subject to the following recommendations, this test is met.

Recommendations:

On the Contents page change the title of Appendix A to:

"What is the Local Development Framework?"

On the Contents page change the title of Appendix G to:

"Ward and Township Maps"

After paragraph 1.3 insert the following new paragraph:

"When preparing the Local Development Framework (LDF) and when consulting on planning applications we will involve you in accordance with the requirements set out in this document."

Delete paragraphs 1.4, 1.5, 1.6 and Figure 1.

In paragraph 2.6 replace "as shown below" with "as shown in figure 2 overleaf".

In Figure 2 replace "Development Plan" with "Development Plan Documents".

In Figure 2 replace "GM Joint Waste Plan" with "Greater Manchester Joint Waste Plan".

In Figure 2 replace "Other Development Plan" with "Other Development Plan Documents".

Delete the word "draft" in paragraphs 3.3 and 3.6.

Re-align the paragraphs at the top of pages 4, 5 and 7.

In paragraph 3.7 insert "(see page 13)" after "Table 2".

Add to the end of the third bullet point under paragraph 4.12:

"(A map of the Townships is included at Appendix G)."

Replace paragraph 4.16 with the following text:

"We have a community engagement database that holds the contact details for anyone who has asked to be involved in our Local Development Framework. Key members of bodies operating within the borough are also recorded on this database including all those we are required to consult with (i.e. our statutory consultees)."

At the end of paragraph 6.17 insert "(See Appendix F)".

In the third bullet point under paragraph 8.2, replace "Involve" with "Participate".

In paragraph 8.3 delete "Appendix E" and replace it with "Appendix F".

Delete the third bullet point under paragraph 8.4 and replace it with the following two bullet points:

"winning and working of minerals or use of land for mineral working deposits; and"

"all waste related developments, including waste treatment, storage and transfer as well as tipping".

In paragraph 8.5 delete "meeting" and replace it with "meetings". Furthermore, delete "8.26" and replace it with "8.25".

At the end of paragraph 8.6 delete "on the next page" and replace it with "below".

Amend the first part of paragraph 8.19 to read:

"Our publicity arrangements include: **Site and press notices:** we will arrange for a site notice to be displayed and a press notice to appear in an appropriate newspaper circulating in the area where the application is located. For example, a planning application affecting the west of the borough will normally be advertised in

both the Wigan Reporter and the Wigan Observer. A planning application affecting the east of the borough will normally be advertised in both the Leigh Reporter and the Leigh Journal. This will apply to proposals which are:"

Delete the last two bullet points in paragraph 8.19 and replace them with the following three bullet points:

"for development affecting the setting of a listed building;"

"for development affecting the character or appearance of a conservation area; and"

"for listed building consent."

Add to the end of paragraph 8.19:

"If the Council receives a planning application on the borough boundary or in close proximity to the boundary, it will carry out publicity arrangements with nearby properties as though they were located within the borough and representations received will be taken into consideration in the normal way."

After paragraph 8.19 insert the following new paragraph:

"In respect of amendments to planning applications, the council will decide whether and how to give publicity taking into account:

- if objections or reservations were raised at an earlier stage, whether they were substantial and, in the council's view, relevant to the amendments being sought;
- if the proposed changes would have a significant impact when compared to the original proposals;
- if earlier views covered the matters now under consideration;
- if parties not previously notified might be affected.

The time period allowed for the receipt of representations is normally 14 days from the posting of a site notice or the date of a notification letter."

Add to the end of paragraph 8.21:

"so that they can play their part in the decision making process".

In paragraph 8.23 replace "Appendix E" with "Appendix F".

Amend the first two sentences in paragraph 8.27 to read:

“Anyone who has made a representation in objection to or in support of an application will be informed of when it is to be considered by the Planning Committee. They will also be informed of the decision once an application has been determined.”

In paragraph 11.5 delete the second sentence and replace it with the following:

“There are 25 wards covering the whole of the Wigan Borough.”

In paragraph 11.6 delete the first reference to “your” and replace the second reference with “a”.

In Appendix A, in the third bullet point under “Development Plan Documents”, delete the word “allocated”.

In Appendix A, in the first bullet point under “Related documents”, replace “LDDs” with “DPDs and SPDs”.

In Appendix B delete the word “draft” from the first paragraph.

In Appendix B, under “SA - Sustainability Appraisal” replace “Local Development Documents” with “DPDs and SPDs”.

In Appendix F, amend bullet point 7 to read:

“All current planning applications and supporting documentation are available to view at the planning office and relevant local library. Copies of planning applications and supporting documents can also be obtained from the Planning and Regeneration Department for a small fee in accordance with current charges. For a list of current charges, please contact Planning Control administration whose contact details are provided overleaf”.

In Appendix F, on page 36, replace “Section 9” with “Section 8”.

In Appendix F, insert the following after the contact details for the planning department:

Contact Details for Local Enquiry Offices

Area	Local Enquiry Office
Abram	Abram Library, Vicarage Rd. Abram. 01942 866350
Ashton	Ashton Library, Wigan Rd. Ashton. 01942 727119
Aspull	Aspull Library, Oakfield Cr. Aspull 01942 831303
Atherton	Atherton Library, York St. Atherton. 01942 404817
Golborne	Golborne Library, Tanners La. Golborne. 01942 777800
Hindley	Hindley Housing Office, Town Hall, Cross St. Hindley 01942 705189
Ince	Ince Library, Smithy Green, Ince. 01942 324423
Leigh	Leigh Town Hall, Market St, Leigh 01942 404401
Orrell	Orrell Library, Orrell Post, Orrell. 01942 705060
Standish	Standish Library, Cross St. Standish 01257 400496
Tyldesley	Tyldesley Housing Office, Town Hall, Elliot St. Tyldesley. 01942 404709
Wigan	Civic Centre, Millgate, Wigan – 01942 827282 Town Hall, Library St. Wigan – 01942 827651

On page 37 insert the title "Appendix G" and amend the sub-heading to read "Ward and Township Maps".

Conclusion

11.1 Subject to amendment in accordance with the above recommendations, Wigan Council's Statement of Community Involvement (September 2005) is sound.



K Holland
Inspector

ANNEXE A
TESTS OF SOUNDNESS

Examination of the soundness of the statement of community involvement

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;¹
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

From: Planning Policy Statement 12: Local Development Frameworks

¹ The Town and Country Planning (Local Development) (England) Regulations, 2004.

ANNEXE B
CORRESPONDENCE CHANGES



The Planning Inspectorate

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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-372 8732
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Kate Brewer
Planning Officer
Planning and Regeneration Dept.
Wigan Council
Civic Buildings
New Market Street
Wigan
WN1 1RP

Your Ref:

Our Ref: PINS/V4250/429/3

Date: 16 May 2006

Dear Kate,

WIGAN COUNCIL STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

1.1 I note that the Council have helpfully put forward some suggested changes to the SCI. However, I consider clarification on several other matters is necessary, as outlined below:

Point 1

Paragraphs 1.4, 1.5, 1.6, and 4.16, as well as an element of Figure 1 contain information that will be historic and irrelevant in the final version of the SCI. How should they be amended?

Point 2

What role will the Annual Monitoring Report have in relation to reviewing the SCI? (This should be covered in Section 10).

Point 3

Paragraph 11.6 refers to "local enquiries office. (See Appendix F for contact details)." Are the contact details provided in Appendix F?

Point 4

What is the Council's policy in respect of consultation on amendments to planning applications?



INVESTOR IN PEOPLE



As you appreciate, the binding report should “set out precise recommendations for how the statement of community involvement must be changed”, (Para 3.11, PPS12). Therefore, any suggested amendments to the wording of the SCI that you consider would add clarity to the document would be welcomed. Once you have submitted your response to this letter, I will attempt to complete the report as quickly as possible. Please reply to Bartosz Bartkowiak whose details are given above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'KHolland', written in a cursive style.

Keith Holland
Inspector

Wigan Council
Planning and Regeneration Department

Director: Martin Kimber BA Dip TP MRTPI

For the attention of Bartosz Bartkowiak

The Planning Inspectorate
Room 3/25 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our reference: KB/JB/32-21F(ii)
Your reference: PINS/V4250/429/3
Please ask for: Kate Brewer
Extension: 4237
Direct line: 01942 404237
Date: 1 June 2006

Dear Mr Bartkowiak

Wigan Council Statement of Community Involvement (SCI)

Further to Keith Holland's letter dated 16 May 2006, please see below for clarification on the points raised.

Point 1

It is anticipated that paragraphs 1.4, 1.5, 1.6 and figure 1 will be deleted from the final version as they will become historic detail once the SCI is adopted. The detail on the SCI process will be logged separately and kept on the Council's web site as background material.

The following sentence will need to be added to the introduction (as paragraph 1.4) to replace those paragraphs deleted: *'When preparing the Local Development Framework (LDF) and when consulting on planning applications we will involve you in accordance with the requirements set out in this document'*.

Paragraph 4.16 also needs to be amended to read as follows: *'We have a community engagement database that holds the contact details for anyone who has asked to be involved in our Local Development Framework. Key members of bodies operating within the borough are also recorded on this database including all those we are required to consult with (i.e. our statutory consultees).'*

Point 2

The AMR will have a role to play in relation to the review of the SCI. Section 10 should be amended to include the following text: *'We will monitor the extent of Community Involvement in our LDF work and will evidence our results in the Annual Monitoring Report. The results of this monitoring will aid a review of the SCI'*.

It should be clear from the AMR that we are meeting the requirements set out in the SCI and it should provide some detail to the effectiveness of this. We intend to:

- a) provide a checklist against table 2 to show that we are conforming to the SCI;
- b) undertake surveys to evaluate how effective our community involvement methods are; and,
- c) identify the diverse range of groups and individuals that are engaging in the LDF process.

Point 3

The local enquiries office contact details are missing from Appendix F and so need to be added. I have attached to this letter, the contact details for the local enquiries offices and would request that these be added after the contact details for the planning department on page 36 and before the ward and township maps on page 37.

Point 4

The Council's Policy in respect of consultation on amendments to planning applications is set out in its supporting document '*Publicity for Planning Applications: Our code of practice*'. I have attached the latest copy of this (January 2006) for your information and I have highlighted the appropriate section for quick reference.

If considered appropriate, then the highlighted paragraph headed '*re-notification on amendments to applications....*' could be inserted into the SCI after paragraph 8.19.

Additional points

Since submission of the SCI last year, a number of editorial changes have come to our notice. We request that there is some level of flexibility to allow us to make minor editorial changes which have arisen due to graphical errors. The following amendments should add clarity to the document:

- Page 2, paragraph 2.6 states '*...as shown below*'. However, this should read '*...as shown in figure 2 overleaf*'..
- The paragraph at the top of page 4, 5 and 7 needs re-aligning
- Page 13, Table 2 has an incorrect column emphasis. The line separating the stages for DPDs and SPDs is marked in the wrong place and needs correcting so that the column headed stage 3 is shown under that for a DPD and not an SPD. At the present time, this is somewhat misleading.

I hope the above has clarified your concerns. However, should you require any further information please do not hesitate to contact me again. I look forward to receiving the Inspector's report in due course.

Yours sincerely

K Brewer
Assistant Planning Officer