

## **PLANNING AND COMPULSORY PURCHASE ACT 2004**

### **WIGAN COUNCIL LOCAL DEVELOPMENT FRAMEWORK**

#### **SUPPLEMENTARY PLANNING DOCUMENTS (SPDs)**

##### **(1) Landscape Design Submissions**

##### **(2) Provision of Open Space in New Housing Developments**

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#### **Statement of Representation**

This statement sets out the measures undertaken by Wigan Council to involve the community and other stakeholders in the production of the SPDs.

- 1 Originally prepared as draft Supplementary Planning Guidance (SPG) under the outgoing system, both documents were approved for consultation purposes by the Council's Cabinet on the 24 November 2004, having already been to Environment Panel on 6 October 2004 and Planning Committee on 16 November 2004. However, since the SPG was first drafted, the Planning and Compulsory Purchase Act 2004 has introduced a new Planning policy-making system. The Council has now prepared a new Local Development Framework, which comprises a number of separate plans or documents. Both SPGs are now included in that scheme and will in future be referred to as Supplementary Planning Documents (SPD).
- 2 The consultation period commenced on Monday, 7 February 2005 and ran for 6 weeks until Monday, 18 April 2005. Printed copies of the draft SPDs were sent to:
  - 65 architects, planning consultants, housebuilders and others;
  - all members of the Development Control/Building Control Users' Forum;
  - all Chief Officers of the Council;
  - all Members of the Council;
  - other appropriate Council Officers;
  - all libraries in the Borough;
  - the Civic Buildings;
  - other appropriate Council departments.
- 3 The SPDs and the consultation exercise were publicised by:
  - a general press release to all local newspapers circulating in the Borough;
  - prominent positioning on the Department's website from where they could be downloaded.
- 4 A total of 6 responses were received. Following consideration of the comments received, both draft SPDs were amended. However, under the new plan-making system, there is an additional requirement to undertake Sustainability Appraisals of SPDs and to consult on the outcome of the appraisal as well as the SPD itself. In addition, although the consultation exercise had been reported by means of a general press release, a formal public notice was not used. Therefore, because

of the new regulation, and to achieve the targets set out in the Council's Local Development Scheme, a re-consultation exercise on the amendments to the SPDs and the outcome of the Sustainability Appraisals was undertaken over a further period of 4 weeks.

- 5 The report on the recommendations for amendments to the SPDs prior to re-consultation and the conclusions of the Sustainability Appraisals was approved by Cabinet on the 16 June 2005, and Council on the 13 July 2005.
- 6 The re-consultation exercise on the SPDs and the outcome of the SAs was undertaken, over a period of 4 weeks between Monday, 18 July to Monday, 15 August.
- 7 Copies of the amended draft SPDs, were sent to:
  - 63 architects, planning consultants, housebuilders and others;
  - all members of the Development Control/Building Control Users' Forum;
  - all Chief Officers of the Council;
  - other appropriate Council Officers.
- 8 In addition, during this period copies of the amended draft SPDs, including the Sustainability Appraisals were made available during office hours in all of the Borough's libraries, Wigan and Leigh Town Halls and the Planning and Regeneration Department's offices at Civic Buildings and Gateway House, Wigan.
- 9 The SPDs and consultation exercise was advertised by way of a public notice in the Wigan Evening Post and the Leigh Journal on 14 July 2005. In addition, the SPDs and the consultation exercise were also given prominent positioning on the Department's website from where they could be downloaded.
- 10 Following this second round of consultation, a further 6 responses were received. The responses received have influenced the contents of both draft SPDs.
- 11 The Council's Cabinet on 22 September 2005 and Council on 28 September 2005 considered the outcome of the re-consultation and a schedule summarising all of the representations received, together with a recommendation for adoption of the final draft of the SPDs.

The following table provides a summary of the main issues raised and the Council's response to the issues.

### Consultation Response from English Nature

	<b>Views Expressed</b>		<b>Our Response</b>
1	English Nature welcomes the production of the Landscape Design Submissions SPD as a means of providing better guidance to assist in the delivery of an approved local environment and, as such, has sent a copy to the National headquarters at Peterborough as an example of best practice.	1	Noted.
2	English Nature particularly welcomes the inclusion of the section on special surveys early in the planning process. Suggests that the order of important or protected wildlife areas is reversed to reflect the European, National and Local priority levels associated with these types of designations.	2	Agree. Amend SPD as follows...and important or protected wildlife areas including Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), Local Nature Reserves (LNR) or Sites of Biological Importance (SBI).
3	English Nature consider that it may be desirable to highlight in bold and/or italics the sentence: <i>You should discuss the requirement for this with a Development Control Officer and the Council's Ecologist before submitting a planning application.</i>	3	Agree.
4	English Nature welcomes and supports the inclusion of the section relating to invasive weeds, which clearly states the responsibilities of developers and landowners on such matters.	4	Noted.
5	The incorporation of biodiversity into the Council's documents will help to meet the Council's duties towards conserving and enhancing biodiversity by looking at the holistic approach to nature conservation, in relation to open and greenspace management.	5	Noted.

6	With regard to the Provision of Open Space in New Housing Developments SPD, it is pleasing to see clear reference made stating the need for protecting natural features within the process.	6	Noted.
7	With regard to the Provision of Open Space in New Housing Developments SPD, English Nature refers to its current Accessible Natural Greenspace Standards (ANGSt) model.	7	<p>Noted. Will consider standards as part of the Council's wider Open Space Review (PPG17). In addition, reference has been made to the standards in the Council's Biodiversity Strategy.</p> <p>Amend section entitled Protecting Natural Features with new paragraph 2 as follows: In relation to the protection and enhancement of natural features developers are encouraged to make reference to English Nature's current Accessible Natural Greenspace Standards (ANGSt) model. These can be viewed and downloaded from the English Nature website (<a href="http://www.english-nature.org.uk">www.english-nature.org.uk</a>)</p>

### Consultation Response from Greater Manchester Fire and Rescue Service

	<b>Views Expressed</b>		<b>Our Response</b>
1	Whilst satisfied with the overall document, would like to see reference made to the provision and maintenance of access for fire appliances in accordance with the requirements of Section 63 of the Greater Manchester Act 1981.	1	Agree. Amend section entitled 'Community Safety'. Insert new paragraph (3) as follows: In addition, consideration should be given in the design and layout of open space to ensure the provision and maintenance of access for emergency vehicles including Police, Ambulances and fire appliances.

## Consultation Response from the Environment Agency

	<b>Views Expressed</b>		<b>Our Response</b>
1	The Environment Agency recommends that the section entitled 'Landscape Maintenance and Management Plans' should state that planting near watercourses should consist of native species. Appropriate species should be chosen to provide an acceptable landscaping scheme whilst ensuring minimum maintenance. The use of chemicals for maintenance purposes should be kept to a minimum.	1	<p>Agree. Amend section entitled 'Landscape Maintenance and Management Plans'. Insert new bullet point in paragraph 6:</p> <ul style="list-style-type: none"> <li>• near watercourses</li> </ul> <p>Insert new paragraph 7: When designing schemes near watercourses, consideration should be given to the use of appropriate native species, to provide an acceptable landscaping scheme whilst ensuring minimum maintenance. In addition, the use of chemicals for maintenance purposes should be kept to a minimum.</p>
2	The Agency welcomed the section on invasive weeds, and suggested the need for detailed method statements from developers.	2	<p>Agree. Insert new first part to paragraph 2: Developers should ensure that all invasive weed species are properly eradicated prior to development commencing. Where there are invasive weeds present, a detailed method statement should be provided to demonstrate how it is intended to deal with them. Care should be taken to ensure that these species are not reintroduced during landscaping works.</p>
3	With regard to the Provision of Open Space in New Housing Developments SPD, the Environment Agency is pleased to that the document incorporates a section on protecting natural features.	3	Noted.

**Consultation Response from Greater Manchester Police Architectural Liaison Officer**

	<b>Views Expressed</b>		<b>Our Response</b>
1	The GMP Architectural Liaison Officer has suggested that Community Safety section of the Landscape Design Submissions SPD should also be included in the Provision of Open Space in New Housing Developments SPD.	1	Agree. The SPD will be amended to include the relevant section. It will appear in the text following on from the section on 'Making Prospective Residents Aware of Open Space and Play Provision'.

**Consultation Response from Peter Sargeant FRTPI, 37 Kenyon Lane, Kenyon, Lowton – Interested Resident**

	<b>Views Expressed</b>		<b>Our Response</b>
	<u>General Comments (apply to both SPDs)</u>		
1	<u>The 'new' documents</u> Having cross-checked his original comments against the amended SPDs, it appeared to him that none of his suggestions were taken on board.	1	As most of the suggestions concerned grammar, punctuation use of jargon and Plain English and given that both SPDs had been through a thorough Plain English process, the suggestions were noted until the documents are re-formatted and the final versions are prepared for printing.
2	<u>The new consultation</u> Objection to "restricted period for comment"/"apparent attempt to restrict comments to changes, rather than the documents in their totality – As the previous version was not properly publicised". The Council is making a mockery of community involvement...	2	With regard to the consultation process for the draft SPDs, a comprehensive exercise was undertaken prior to the SCI being drafted or a comprehensive new consultation database in place. This was a result of the documents having been originally drafted as SPGs under the 'outgoing' system. The public consultation period commenced on Monday, 7 February 2005 and ran for 6 weeks until Monday, 18 April 2005. Printed copies of the draft documents were sent to 65 architects, planning consultants, housebuilders and others, including key consultees for Development Control.

			<p>In addition, the documents and the consultation exercise were publicised by:</p> <ul style="list-style-type: none"> <li>• a general press release to all local papers circulating in the Borough;</li> <li>• distribution to all libraries in the Borough; and</li> <li>• prominent positioning on the Department's website from where they could be downloaded.</li> </ul> <p>Because a formal notice was not placed in the local press, but rather, the consultation period was generally advertised by press release. A decision was made to re-consult for a further period of 4 weeks on the amended documents. This shorter period was necessary in order to meet the requirements of the milestones in the Local Development Scheme. However, <u>all views expressed by respondents have been considered, not just those concerning the amendments to the SPDs.</u> A formal notice was placed in the local press for the second period of consultation. So, in practical terms, 10 weeks were devoted to public consultation.</p>
3	<p><u>The Previous consultation</u></p> <p>He states that it is apparent that the previous consultation was flawed and secured only a poor response, from which one can deduce very little about the acceptability of the general principles.</p>	3	Noted. See 2 above.
4	<p>He makes reference to Appendix 1 of the report to Cabinet, not being a detailed analysis of his views.</p>	4	These matters are addressed further down this table.

5	He states that this is further evidence that Officers cannot be trusted to report representations accurately and/or are hiding relevant information from Councillors.	5	Noted. Disagree. Officers have duty to report those suggestions that are helpful and appropriate and contribute to the production of a useful SPD.
6	He refers to his unreported representation on the use of townships as the basis for deciding where financial contributions are spent. He claims that Cabinet has been misled because the collective impact, has been lost. There was one other similar representation from a Member.	6	Noted. An oversight meant that his representation was not listed. It will be dealt further down this table.
7	<u>The consultation has been fatally flawed</u> The Council now seems to be attempting to carry out statutory and quasi-statutory consultations by press release, where previously it paid for formal advertisements.	7	Noted. See our response 1 above.
8	The consultation has been fatally flawed...missed opportunity to put something in with the Council Tax circulation...missed the opportunity to put something in Borough Life...Obscure and self-contradictory formal press notices placed in July but no imaginative use of media at all. Another Borough Life wasted, in this respect	8	Comments noted. Issue of timing, both of the Council Tax demands and the publication of Borough Life. Neither coincided with the consultation period for the draft SPDs and the necessity to meet the milestones in the LDS, which follow the requirements set by the Regulations.
9	<u>General comments</u> Complaint that Leigh Library knew nothing about any consultation documents.	9	All libraries were provided with copies of both draft SPDs together with details of the consultation period, the website details and a contact telephone number for enquiries. This was done via the Libraries central mailing service.  Since the adoption of the Local Development Scheme and the preparation of the new consultation

			database for the draft Statement of Community Involvement, officers have met with Wigan Leisure and Culture Trust's Libraries staff to improve the communication system for future consultation exercises.
10	Reference to the dates on the front covers of the draft documents being confusing.	10	Agree. Both SPDs will be amended and the final documents re-styled in keeping with the other new LDF documents.
11	He states that whilst over-elaborate paragraphing can be off-putting, some is still required.	11	No change. Both SPDs have been subjected to a Plain English review.
12	He makes some detailed comments about language and textual errors, mentions jargon as being a problem, refers to the use of capitals, hyphens and punctuation. Suggests we submit documents to some sort of Plain English audit, 'test driven' by ordinary people.	12	Noted. Both SPDs went through a fairly rigorous Plain English review, undertaken by trained staff. Any textual errors or obvious mistakes will be addressed at the final drafting stage.
13	Criticises use of terms such as 'public real', 'sustainable' and 'inclusive' as being a "turn-off".	13	Noted. Unfortunately, as technical documents, normally aimed at fellow professionals, and despite both SPDs having been through a comprehensive Plain English process, some technical language is inevitable.
14	<p><b><u>Landscape SPD</u></b>  <b>Note</b>  <b>Page numbers, refer to the original printed document.</b></p> <p>Comment on page 2 of the SPD being blank, repetition of comments made above on jargon, respecting the function of hyphens in expressions such as well-maintained (page 3).</p>	14	<p>Both SPDs will be amended and the final documents re-styled in keeping with the other new LDF documents.</p> <p>Hopefully, this will help remove unnecessary blank pages. Both SPDs went through a fairly rigorous Plain English review, undertaken by trained staff. Any textual errors or obvious mistakes will be addressed at the final drafting stage.</p> <p>No change. Document has been through a Plain English process and hyphen not used.</p>

15	Use of term 'planning approval' instead of 'planning permission' (page 4).	15	Agree. Change text under section on 'Key Landscape Design Principles', paragraph 1, as follows:  ...delete the words 'planning approval' and insert 'planning permission'.
16	Reference to repetitive use of the word 'This' starting consecutive sentences on pages 4 and 5.	16	Agree. Change 'This' in the first sentence in paragraph 2 of the section entitled 'Scope of...' to 'The'. Similarly, make same change to paragraph 2, page 5.
17	Mentions no reference on page 6 to outline planning applications, which means that the Council's intentions are unclear.	17	There is not normally a requirement for an applicant to submit a detailed landscape scheme as part of an outline planning application, unless the applicant specifically wishes to seek such an approval at that time.
18	Reference on page 7 to 'full applications for planning permission' should read as 'applications for full planning permission'.	18	Agree. Change text on page 7.
19	On page 8, the words 'trees protected by' should replace the word 'tree' in the fourth bullet point.	19	Agree. Change text as suggested.
20	Suggested removal of punctuation marks in document title in paragraph 5, page 8.	20	Agree. Change text.
21	No hyphen in 'cost effective', paragraph 2, page 10.	21	No change. Document has been through a Plain English process and hyphen not used.
22	Page 12, inconsistent listing of documents, under section entitled 'Further information'.	22	Agree. List to be amended as follows: Delete 'Design of Residential...(SPG)' and replace with 'Design Guide to Residential Developments (SPD)' Add the following '(SPD)' after the 'Provision of Open Space...' Remove '(SPG)' from 'Invasive Weed Species'. Change text of the first sentence as follows: '...following policies, Supplementary Planning Guidance and Supplementary Planning Documents.'

			Delete the final sentence beginning 'Both the Supplementary...' and insert a new sentence 'All of the above are continually updated and added to.'
	<b><u>Open Space SPD</u></b> <b>Note</b> <b>Page numbers, refer to the original printed document.</b>		
23	The juxtaposition of 'inclusive' and 'this includes' in the first and second sentences of the section entitled 'Housing schemes...' on page 3 is excruciating.	23	Agree. Change text as follows; Delete 'inclusive.' at the end of the first sentence, followed by 'This includes open spaces' to create new sentence.
24	Refers to potentially offensive use of the term 'elderly' in the above sentence.	24	Replace with suggested term 'older people'.
25	No such verb as 'to layout' in the fifth sentence in the third paragraph on page 3.	25	Replace with 'allocate'.
26	He has strong reservations about taxing single dwellings, especially in view of the flawed nature of this consultation. Single dwellings may confer social benefits which should balance out the case for charging...Charging is also suspect on the basis that further delays in realising the expected housing land supply would accrue.	26	The decision to require a financial contribution for open space provision on single dwellings (current UDP policy only requires open space provision on schemes of 30 dwellings or more) is one that is taken by policy R1E of the Replacement UDP. This was subject to the statutory processes of deposit, objection and public inquiry. There were no objections to this aspect of the policy. It would therefore be wrong to reopen this aspect of the policy for objections now as part of consultation on the SPD.
27	Council would be wise to phase in cut-off. He suggests net gains of 5 units should be exempted, initially.	27	See point above. No reason is given for such a phasing-in which is not a suggestion of any objections to the policy nor of the inquiry inspector.

28	He does not understand the case for exempting care homes and nursing homes. Users (residents and patients), staff, visitors and their children are all likely to make demands on local facilities, including some therapeutic use.	28	The provision of amenity open space for care homes and nursing homes is made on site.
29	In his opinion it is not tenable to proceed on the basis that developers, let alone their customers (the future occupiers who might be deprived of open space close at hand), do not have a legitimate role in influencing matters such as where their contributions (direct or indirect) would be invested in play equipment. The Council is suggesting that the only way they can take a stand is by retaining ownership. If so, in areas of deficiency, where is the public provision to be?	29	No change. The SPD and UDP policy on which it is based clearly state that..."where possible, off-site provision will be provided local to the development and be accessible from it". In accordance with previous Cabinet decisions, including approval of the Leisure and Culture Trust's Play Strategy, the township is considered to be the most appropriate area within which financial contributions should be allocated. The township allows for maximum flexibility in terms of provision, particularly for Wards with a deficiency of public open space that can only be catered for in an adjoining area. Decisions on how and where contributions are spent will be made in consultation with the local township forum.
30	On page 5 reference is made to 'townships'...Council persists in assuming everybody knows how they are defined...certainly contestable that they are 'natural local communities'...They are at best, groups of local communities.	30	No change. See 32 below.
31	As seems to be implicitly acknowledged on page 5, there will be occasions where provision based on Township boundaries will defy logic, depending on local circumstances, including barriers to movement, such as roads and railways.	31	No change. The SPD and UDP policy on which it is based clearly state that..."where possible, off-site provision will be provided local to the development and be accessible from it". Unfortunately, the geography of some townships could present access difficulties to some parts of the community. However, the Leisure and Culture Trust's Play Strategy allows the flexibility of taking

			play schemes, such as a play bus, into such areas.
32	A further objection arises from the questionable status of Township Forums. They are essentially appointed by the Council. They have no democratic mandate. Most of them, whether or not it is lawful for them to do so, apparently meet in secret. Therefore they are not accountable, except insofar as they report back to local groups.	32	<p>The Township Programme was set up by Wigan Council in April 2003 to help develop community involvement. Ten Township Forums bring together representatives from local groups and businesses in each area with councillors and with officers from all the agencies that deliver services in the area (they act as advisors). There are 331 places on the ten Township Forums, including representatives from 166 community groups. Forums are part of the Wigan Borough Partnership and contribute to the Community Plan. They are not part of the democratic process, nor do they pretend to be. They are consultative bodies only. Township Forums are there to:</p> <ul style="list-style-type: none"> <li>• promote local action via a local plan;</li> <li>• help people and agencies to work together better;</li> <li>• provide a voice for local people and issues.</li> </ul>
33	He suggests the need for an annual monitoring report, including details of monies held, monies secured and monies spent, together with analysis according to the Council's chosen Township basis. At present, there is a black hole, since there are no current data on levels of provision for the Borough.	33	<p>Noted.</p> <p>This information is held and shared by the Department of Planning and Regeneration, the Finance and IT Department and the Leisure and Culture Trust. It can be made available on written request.</p> <p>With regard to levels of provision of open space in the Borough, the emerging review of open space in the Borough should provide that data.</p>

34	He has no objection in principle to the clarification provided regarding facilities to be funded which are listed on page 5. Refers to anecdotal evidence on the unwanted effects of the provision of teen meets. The quality of design and choice of materials are important. He questions whether valuable funds should be channelled in this way...without close management and, in particular, youth service support.	34	Noted. No change.
35	The last sentence of the first paragraph on page 6 should read 'will not be accepted as counting against the overall open space requirement for a housing development'.	35	Agree. Change text as follows: Delete '...should not be included as part of the open space requirement for a new housing development'. Add '...will not be accepted as counting against the overall open space requirement for a housing development'.
36	Use of 'laid out' in the second sentence of paragraph 2, page 6.	36	Change. Insert '...set out...'