



WIRRAL METROPOLITAN BOROUGH COUNCIL

LOCAL DEVELOPMENT FRAMEWORK FOR WIRRAL

STATEMENT OF COMMUNITY INVOLVEMENT

FIRST REVISION

FOR CONSULTATION

[JUNE] 2013

This document can be made available in alternative formats, on request, from the Regeneration and Planning Service, Wallasey Town Hall, Wirral CH44 8ED who can be contacted by telephone on 0151 691 8225

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1 BACKGROUND

- 1.1 This document is a revised Statement of Community Involvement (SCI) for Wirral.
- 1.2 The SCI is a statutory document intended to set local standards for public involvement in the Council's preparation of policy documents, like local plans and supplementary planning documents and in decisions on individual planning applications.
- 1.3 The SCI sets out what the Council will do to meet the requirements for community consultation set out in national legislation and represents the Council's commitment to facilitate early community involvement when local planning policies are being drawn up and to promote continuous community involvement in local planning decisions.

Why is a Review Needed?

- 1.4 Section 18 of the Planning and Compulsory Purchase Act 2004 requires all local planning authorities to prepare a statement of community involvement to set out how they will involve people in the preparation of statutory local development documents¹ and in development management decisions².
- 1.5 Wirral Council first adopted a Statement of Community Involvement in December 2006 in response to national legislation and regulations which have since been revised, amended or replaced. This review has therefore been undertaken to reflect the most up-to-date requirements at the time of writing³.
- 1.6 Further information on the Statement of Community Involvement can be obtained from:

Laura Myles, Planning Officer

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¹ Documents prepared under sections 19, 26 and 28 of Part 2 – Local Development, of the Planning and Compulsory Purchase Act 2004 (as amended)

² Under powers set out in Part 3 – Control Over Development, of the Town and Country Planning Act 1990 (as amended)

³ Including amendments to the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, national regulations for the preparation of local development documents and for development management and the National Planning Policy Framework

2 PRINCIPLES OF COMMUNITY INVOLVEMENT

- 2.1 The purpose of the planning system is to contribute to the achievement of sustainable development⁴.
- 2.2 The Localism Act 2011 places a strong emphasis on involving local communities in shaping the places where they live.
- 2.3 The National Planning Policy Framework (March 2012) also retains a strong focus on community involvement within the planning process. The first of twelve core planning principles states that planning should "be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area".

Principles of Involvement

- 2.4 The precise nature of community engagement will vary with the main objectives of each stage of the planning process, from the initial involvement on emerging policies, to consultation on the details of individual planning applications, to the notification of decisions and the final adoption of policy documents.
- 2.5 It is important that the techniques employed are tailored to engage the most appropriate parts of the community at the stages when their involvement will be of greatest relevance and value. It is also important that there is a clear understanding of the purpose of the exercise and a clear understanding of the limits to what can be achieved within the legal, policy and financial constraints set by national Government.
- 2.6 The overall objective of the Council will be to work towards achieving consensus, wherever possible, through continuous community involvement.

Defining the Community

- 2.7 The term 'community' will be taken to embrace any individual, business or group that is likely to be directly affected by planning in Wirral both now and in the future. This includes everyone that lives, works or has an interest in the Borough together with local landowners, businesses and service providers, irrespective of their gender, faith, race, disability, sexuality, age or income.
- 2.8 National legislation identifies the broad types of group that should be involved in planning decisions⁵. A number of bodies are also subject to

⁴ National Planning Policy Framework (CLG, March 2013) paragraph 6 refers

⁵ Regulation 18 of Town and Country Planning (Local Planning) (England) Regulations 2012 and listed under the headings of "general consultation bodies" and "specific consultation bodies" in Regulation 2 of Town and Country Planning (Local Planning) (England) Regulations 2012

a wider legal duty to co-operate⁶. Any person is, however, entitled to make representations about an emerging local development document or about a planning application, before it is determined, provided the comments are made within the published period for comments to be received.

- 2.9 Section 5 provides an example list of existing local groups and types of consultee that are already regularly consulted on planning matters in Wirral⁷.

Equality and Diversity

- 2.10 Previous consultation identified a concern that consultation based on the views of local groups alone may not always fully reflect the range of opinions held by the population at large. The Council is, therefore, aware of the need for local consultation exercises to be designed to reach beyond the membership of established local groups and to be fully representative of those who live, work or carry on business within the area.
- 2.11 The Council is also aware of the need to identify methods to involve more “hard-to-reach” groups, such as the young, disabled, ethnic minorities, residents in deprived areas and gypsies and travellers. Traditional letter based approaches have not always been successful in gaining an effective response from these groups and more targeted and innovative approaches may need to be applied in order to engage them more fully.

Customer Access Strategy

- 2.12 The Council has adopted a series of Corporate Customer Care Standards, a Customer Access Strategy and a Community Compact Code. Planning services will comply with these guidelines, unless a different standard has been agreed in response to national regulations as part of this SCI.
- 2.13 The Council will, in particular, seek to minimise the barriers to effective participation by:
- ensuring that sufficient background information is provided to enable a meaningful response;
 - ensuring that documents, letters and e-mails use plain English and avoid the use of unnecessary jargon;
 - providing a consultation questionnaire to help people frame their responses to more lengthy documents or complicated issues;
 - ensuring that venues for public meetings are genuinely accessible to the target communities; and by

⁶ Regulation 4 of Town and Country Planning (Local Planning) (England) Regulations 2012

⁷ Paragraph 3.49 sets out how you or your organisation can be added to the Council's mailing and contacts lists for local plans and supplementary planning documents

- ensuring that venues for public meetings will provide appropriate facilities, such as induction loops, disabled access and toilets.
- 2.14 In order to minimise duplication of effort, maximise the value of public consultation and safeguard the use of public resources, the Council will, wherever possible, use existing consultation arrangements to engage and involve the community in the land-use planning system, where these can be used effectively within the timetable for the preparation of local development documents or for informing individual planning decisions.
- 2.15 This will, for example, include consultation with representatives from the Wirral Business Forum, Older People's Parliament, Youth Parliament, Constituency Committees and Forums, Public Service Boards and the wider Local Strategic Partnership.
- 2.16 The Council will, in particular, make every endeavour to meet the requirements of the Equality Act 2010 and the Public Sector Equality Duty 2011. The Council will complete and publish all necessary equality impact assessments, publish equality objectives at least every 4 years, and publish the equality profile of the Council's workforce and customers.

3 THE DEVELOPMENT PLAN PROCESS

Responsibilities

- 3.1 The Regeneration and Planning Service is responsible for the Council's plan-making functions.
- 3.2 The Forward Planning Section deals with the preparation of the Council's local development documents; input to sub-regional, cross-boundary and other land-use related policy work, including technical studies and assessments, sustainability appraisals, strategic environmental assessments and habitats regulations assessments; and development monitoring.
- 3.3 Local development documents and neighbourhood plans in force and in preparation within Wirral can be viewed on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework>

Decision Making

- 3.4 The Forward Planning Section primarily reports to the Council's Cabinet, which generally meets on a monthly cycle throughout the year.
- 3.5 Decisions to prepare, submit, adopt, amend or review the Council's local development documents and to make neighbourhood development plans prepared by the local community must be adopted by Full Council.

The Role of the Statement of Community Involvement

- 3.6 The SCI is required to set out the Council's policy for community involvement in the preparation of the Council's local development documents.
- 3.7 Compliance with the SCI is a legal requirement for the preparation of local plans and supplementary planning documents⁸.

Legal Requirements

- 3.8 The Government has over recent years sought to simplify the statutory requirements attached to the preparation of local development documents.
- 3.9 The main requirements for community involvement in the preparation of local development documents are currently set out in the Town and Country Planning (Local Planning) (England) Regulations 2012⁹.

⁸ Section 19(3) of the Planning and Compulsory Purchase Act 2004

⁹ SI 2012, No 767 (as amended)

- 3.10 Additional provisions are, however, also set out within the Environmental Assessment of Plans and Programmes Regulations 2004¹⁰ and the Conservation of Habitats and Species Regulations 2010¹¹.

Local Development Scheme

- 3.11 The programme for the preparation of local plans is set out in a Local Development Scheme (LDS).
- 3.12 The LDS sets out the timetable for the production of each document, the subject matter and geographical area to which they will relate and whether they will be prepared jointly with one or more other local planning authorities¹².
- 3.13 The latest LDS for Wirral can be viewed at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework/local-development-scheme>.
- 3.14 The Council will publish up-to-date information on the Council's website.

Local Plans

- 3.15 Local plans, which will form part of the statutory Development Plan for the Borough, cannot be adopted until they have been submitted to the Secretary of State for independent public examination.
- 3.16 Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise¹³.
- 3.17 Public consultation must take place throughout the process for adopting a local plan. The opportunities for public involvement are, however, greatest during the early stages when the range of options open to the Council are being explored and assessed and before the final version of the local plan is published submitted to the Secretary of State for public examination.
- 3.18 The emphasis during these early stages will be on making simple background information as widely available as possible, in a variety of formats and on presenting information on potential options to a series of invited audiences in focus groups and other forms of public meeting including workshops and Open Days. More focused, targeted consultation may also need to be undertaken with "hard-to-reach" groups.

¹⁰ SI 2004, No 1633, relating to the strategic environmental assessment of plans and programmes

¹¹ SI 2010, No 490 (as amended), relating to the appropriate assessment of impacts on designated European Sites

¹² Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended)

¹³ National Planning Policy Framework (CLG, March 2012) paragraph 11 and Section 38 of the Planning and Compulsory Purchase Act 2004

- 3.19 The Council must take account of any representation made in response to invitations to comment during these early stages¹⁴.
- 3.20 The later stages of the process are more restricted by national legislation. There is a minimum statutory six-week period for public consultation on the proposed submission draft local plan¹⁵.
- 3.21 Anyone who makes representations seeking a change to the proposed submission draft local plan within the appropriate deadline must, if they so request, be given the opportunity to appear and be heard by the person appointed to carry out the independent examination of the local plan¹⁶.

The Examination Process

- 3.22 The purpose of the examination is to test the legal compliance and soundness of the local plan¹⁷. The procedure adopted at the examination will be determined by the appointed Inspector, taking account of a range of factors, such as the complexity of the subject matter and the number of potential participants.
- 3.23 The Inspector can, if requested by the Council, recommend that modifications are made to the plan to make it legally compliant and/or sound. The Council can also make other minor modifications provided that they will not materially affect the policies set out within it¹⁸.
- 3.24 The Council expects that the majority of assessments carried out by the Inspector will be in the form of written representations, although it will be for those seeking changes to the local plan to decide if they wish to appear and be heard at the examination. The Inspector must consider all of the representations that have been submitted, whether in writing or presented at the examination hearing, before completing their report.
- 3.25 The Council will publish and notify anyone who has made a representation of the date, time and place of the hearing and of the name of the Planning Inspector that has been appointed, at least six weeks before the public hearing takes place¹⁹.
- 3.26 In the event that modifications are required to the local plan, the Council will consult on the content of those modifications for no less than six weeks, in the same way as it consulted on the proposed submission draft local plan.

¹⁴ Regulation 18(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012

¹⁵ Regulation 17 of the Town and Country Planning (Local Planning) (England) Regulations 2012, item (c) under the heading "statement of the representations procedure"

¹⁶ Section 20(6) of the Planning and Compulsory Purchase Act 2004 (as amended)

¹⁷ The tests of soundness are set out within paragraph 182 of the National Planning Policy Framework

¹⁸ Section 20(7 to 7C) of the Planning and Compulsory Purchase Act 2004 (as amended)

¹⁹ Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012

- 3.27 The Council will publish the Inspectors report as soon as possible after it is received and give notice to those who have requested to be notified²⁰.
- 3.28 The Council can only adopt the local plan in line with the Inspector's recommendations²¹. No further consultation will take place at this stage and the final processes provide only for the notification of adoption to people who have requested to be notified²².
- 3.29 A statutory period for judicial review will extend for six weeks from the date on which the local plan was adopted²³.

Supplementary Planning Documents

- 3.30 Supplementary planning documents (SPD) can be used to provide further guidance to help applicants make successful applications²⁴. They do not form part of the Development Plan but once adopted by Council resolution can be a material consideration in determining planning applications.
- 3.31 The process for adopting SPD is shorter and simpler and does not involve submission to the Secretary of State or independent public examination. Opportunities for public involvement are, again, greatest in the early stages, before the draft SPD is published for public consultation.
- 3.32 The methods used to foster effective community involvement will largely be determined by the nature and content of the SPD proposed. Public meetings to an invited audience are likely to be the most effective method for testing area-specific proposals, whereas more limited, targeted consultations and focus groups are likely to be more relevant for documents on more specialist themes and topics.
- 3.33 There is a minimum statutory four-week period for public consultation on the draft SPD²⁵.
- 3.34 A statutory period for judicial review will extend for three months from the date on which the supplementary planning document was adopted²⁶.

Neighbourhood Development Plans

- 3.35 The SCI is not intended to set standards for the preparation of neighbourhood plans and development orders which are prepared by the local community²⁷.

²⁰ Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012

²¹ Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended)

²² Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012

²³ Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended)

²⁴ National Planning Policy Framework (CLG, March 2012) paragraph 153 refers

²⁵ Regulation 12(b)(i) of the Town and Country Planning (Local Planning) (England) Regulations 2012

²⁶ Regulation 11 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Methods of Community Involvement

- 3.36 The types of method of community involvement that the Council will seek to promote will depend on the type and content of the local development document that is being prepared.
- 3.37 The Council will identify the most appropriate methods to involve and engage the community at a scale and nature of consultation that is appropriate to that document and audience, as each document is being prepared.
- 3.38 Table 1 sets out the types of method that may be used at each stage in the preparation of a local development document:

Table 1 – Methods of Community Involvement

Local Plans		Supplementary Planning Documents	
<i>Local Plan Preparation Stage</i>	<i>Expected Methods of Community Involvement</i>	<i>Expected Methods of Community Involvement</i>	<i>SPD Preparation Stage</i>
Initial Consultation (Regulation 18)	<p>Notification letters [3.50]</p> <p>Neighbour Notification (for site specific proposals only) [3.52]</p> <p>Public Meetings, and Open Days, Focus Groups, Workshops and Targeted Consultation [3.18]</p> <p>Deposit of background documents including reports of previous consultation, if relevant [3.53]</p> <p>Consultation Questionnaires [2.13]</p>	<p>Notification letters [3.50]</p> <p>Neighbour Notification (for site specific proposals only) [3.52]</p> <p>Public Meetings, Focus Groups, Workshops and Targeted Consultation [3.32]</p> <p>Deposit of background documents including reports of previous consultation, if relevant [3.53]</p> <p>Consultation Questionnaires [2.13]</p>	Initial Consultation (Regulation 12)

²⁷ Section 18 (2A) of the Planning and Compulsory Purchase Act 2004 (as amended by Schedule 12 of the Localism Act 2011). The requirements for public consultation on neighbourhood development plans and orders are currently set out in the Neighbourhood Planning (General) Regulations 2012 (SI 2012, No 637)

Local Plans		Supplementary Planning Documents	
<i>Local Plan Preparation Stage</i>	<i>Expected Methods of Community Involvement</i>	<i>Expected Methods of Community Involvement</i>	<i>SPD Preparation Stage</i>
Proposed Submission Draft (Regulation 19)	Deposit of proposed submission draft and other background documents including reports of previous consultation [3.53] Statutory notification [3.9] Neighbour Notification (for site specific proposals only) [3.52] Consultation Questionnaires [2.13]	Deposit of draft SPD and other background documents including report of previous consultation [3.53] Statutory notification [3.9] Neighbour Notification (for site specific proposals only) [3.52] Consultation Questionnaires [2.13]	Draft SPD (Regulation 13)
Submission (Regulation 22)	Deposit of submitted documents [3.53] Statutory Notification [3.9]	[not applicable]	
Public Examination (Regulation 24)	Statutory Notification [3.25]	[not applicable]	
Inspectors Report (Regulation 24)	Deposit of Inspectors Report [3.27] Statutory Notification [3.27]	[not applicable]	
Adoption (Regulation 26)	Deposit of adopted local plan and other background documents [3.53] Statutory Notification [3.28] Judicial Review [3.29]	Deposit of adopted SPD and other background documents [3.53] Statutory Notification [3.9] Judicial Review [3.34]	Adoption (Regulation 14)
Monitoring (Regulation 34)	Publication of Monitoring Reports [3.46]	Publication of Monitoring Reports [3.46]	Monitoring (Regulation 34)

Sustainability Appraisal

- 3.39 Local planning authorities are under a legal duty to undertake their functions with a view to contributing to the achievement of sustainable development.
- 3.40 The Council will carry out an appraisal of the sustainability of the proposals in each local plan and prepare a report of the findings of the appraisal²⁸.
- 3.41 The sustainability appraisal process will incorporate the separate requirements for strategic environmental assessment and habitats regulations assessment, in so far as they apply to the document being prepared.
- 3.42 The Council will consult on the scope and content of the sustainability appraisal during the early stages of the preparation of each document and allow public comments on the appraisal to be submitted at each stage in the plan making process.
- 3.43 Proposals for new or amended policies and/or sites submitted late in the process will also need to be assessed for their sustainability and made subject to public comment.
- 3.44 Where the Council itself leads the appraisal process, the Council will appoint an independent review panel, to oversee the sustainability appraisal process and will report the results of their findings to Cabinet before the final local plan is confirmed.
- 3.45 Supplementary planning documents are not required to be accompanied by a sustainability appraisal report but the Council will screen each document for any significant likely effects as it is being prepared.

Monitoring Reports

- 3.46 Statutory monitoring reports will be made available for public inspection and published on the Council's website²⁹.

Protocols for Public Involvement

Contact Lists

- 3.47 The Council will maintain an over-arching general database of contacts who wish to be involved or consulted on the preparation of local plans and supplementary planning documents.

²⁸ Section 19(5) of the Planning and Compulsory Purchase Act 2004 (as amended)

²⁹ Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012

- 3.48 The Council will let respondents themselves determine whether they wish to be involved in the preparation of individual local development documents, subject to any statutory requirements.
- 3.49 Contact details can be added to or removed from the contacts database by request.

Notification Letters

- 3.50 Notification by letter will be sent to everyone registered on the contacts database at the start of the initial consultation process for the preparation of each local development document.
- 3.51 Notification by letter will then be sent to everyone who has indicated that they wish to be involved in the preparation any particular document, at each subsequent stage in the preparation of the relevant document.
- 3.52 The Council will send neighbour notification letters related to site-specific development allocations to increase the awareness of emerging site-specific proposals.

Publication and Deposit of Documents

- 3.53 The Council will make consultation documents available for inspection at a principal office and at other such places as they consider appropriate during normal office hours and will publish the consultation documents on the Council's website.
- 3.54 Documents related to specific geographical areas will only be placed for deposit at locations within the local areas that are likely to be directly affected by the proposals.
- 3.55 The Council will investigate the possibility of providing documents in different formats, in response to specific requests.

Consultation Periods

- 3.56 The Council will adopt six-weeks as the minimum period for public consultation on documents related to the preparation of a local development document. Extra working days will be added to take account of Council closures and public holidays.

Representations

- 3.57 Any person may make representations about the emerging content of a local development document, provided they are submitted in the appropriate manner and within the appropriate deadline.
- 3.58 Representations must be made in writing. The Council will receive representations by letter, e-mail or fax or on-line, where this facility is available.

- 3.59 Representations, including names, addresses and contact details cannot be kept confidential, as they must be reported to Local Councillors and published as part of the evidence base for the later stages of document production.
- 3.60 The Council will specify the time and date by which comments must be received, the address to which they must be sent and a named contact officer for each consultation, with a direct-dial telephone number and e-mail address to help with any queries.
- 3.61 Respondents are responsible for ensuring that their comments are received at the specified address, within the specified time period.
- 3.62 Representations received after the published deadline will not be considered, unless there has been a failure by the Council to make appropriate provision for the receipt of representations within that time period.

Acknowledgement of Representations

- 3.63 The Council will acknowledge the receipt of all responses. Comments submitted by e-mail will be acknowledged by e-mail. Comments submitted by letter or fax will be acknowledged by letter.
- 3.64 The contact details of respondents will automatically be updated or added to the relevant database when their comments are processed.

Assessment of Representations

- 3.65 Representations received by the Council will be assessed against national policy and legislation and their implications for the promotion of sustainable development.
- 3.66 The final decision on the Council's response to individual representations will normally be approved by the Council's Cabinet but may also be considered by a separate panel of Local Councillors.
- 3.67 Primary Contact:

Andrew Fraser, Forward Planning Manager
Wirral Council, Regeneration and Planning Service,
North Annexe, Wallasey Town Hall, Brighton Street, Wallasey, Wirral,
CH44 8ED

Telephone: 0151 691 8218

Fax: 01561 691 8188

Email: andrewfraser@wirral.gov.uk

4 THE DEVELOPMENT MANAGEMENT PROCESS

Responsibilities

- 4.1 The Regeneration and Planning Service is responsible for the Council's development management functions.
- 4.2 The Service deals with planning applications, Conservation Areas, Tree Preservation Orders, consents for listed buildings and hazardous substances, prior notifications, advertisement controls, certificates of lawful development and enforcement matters.
- 4.3 Documents related to the Council's development management functions can be viewed at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning>

Decision Making

- 4.4 The Development Management Service reports to the Council's Planning Committee, which normally meets on a monthly cycle throughout the year.
- 4.5 The decision to grant or refuse planning permission is taken either by the Planning Committee or by the Head of Service for Regeneration and Planning under delegated powers agreed by the Committee.
- 4.6 Local planning authorities are encouraged to speed up the planning application process by maximising the number of decisions taken by Council Officers under delegated powers
- 4.7 The Council's Scheme of Delegation is periodically reviewed to ensure that the Development Management Service is performing to target. The current targets for Wirral are to determine:
 - 80% of householder applications within 8 weeks of receipt
 - 65% of minor applications within 8 weeks of receipt
 - 60% of major applications within 13 weeks of receipt

The Role of the Statement of Community Involvement

- 4.8 The SCI is required to set out the Council's policy for involving the community in decisions on individual planning applications.

The Development Management System

- 4.9 The scope and operation of the development management system is governed by national legislation through the Town and Country Planning Act 1990 (as amended), the Town and Country Planning (Development Management Procedure) (England) Order 2010³⁰, the Town and Country Planning (General Permitted Development) Order

1995³¹, and the Town and Country Planning (Use Classes) Order 1987³².

Permitted Development

- 4.10 Some development is permitted by the Government under national legislation without the need for a formal planning application. The Council is not normally able to control this type of development, no matter how strong or valid a neighbour's objection may be to it.
- 4.11 Examples of permitted development include some extensions to dwellings and the erection of boundary walls and fences below certain heights.

Prior Notification

- 4.12 Some types of permitted development require prior notification, for example, on matters relating to agriculture, telecommunications, demolition and hedgerows and the Council only has the right to refuse development that requires prior notification on limited grounds. If prior approval is refused an applicant, as with the refusal of a planning application, has a right of appeal to the Secretary of State.

National Infrastructure

- 4.13 Applications for certain categories of major national infrastructure project are governed by a separate national system introduced under the Planning Act 2008, for which the Council is only a statutory consultee³³.

Publicity Required by Law

Publicity by Local Planning Authorities

- 4.14 The Council is required by law to give publicity to all planning applications. Table 2 below sets out the required publicity for the various categories of applications.
- 4.15 All planning applications will be published on the Council's planning web pages as soon as possible following receipt of a valid application.
- 4.16 "Major development" is defined as:
- for residential development, 10 or more dwellings or if the number of dwellings is not known where the site area is 0.5 hectares or more;
 - for other uses, where the floorspace is 1,000 square metres or more or the site area is 1 hectare or more;

³¹ SI 1995, No 419 (as amended)

³² SI 1987, No 764 (as amended)

³³ Procedures related to the national infrastructure regime can be viewed at <http://infrastructure.planningportal.gov.uk/>

- mineral working or use of land for mineral working deposits; and
- all waste related developments, including waste treatment, storage or transfer as well as tipping.

Table 2 – Statutory Publicity for Planning Applications

<i>Type of Development</i>	<i>Publicity Required</i>
Development where an application is accompanied by an Environmental Statement	Press Notice and Site Notice
Development which would be a departure from the Development Plan	Press Notice and Site Notice
Development which would affect a Public Right of Way	Press Notice and Site Notice
Major development	Press Notice and Site Notice
Minor and other development	Site Notice or Neighbour Notification
Development affecting the setting of a Listed Building	Press Notice and Site Notice
Development affecting the character or appearance of a Conservation Area	Press Notice and Site Notice
Applications for Listed Building Consent and Conservation Area Consent	Press Notice and Site Notice
Permitted development requiring prior notification to the planning authority (e.g. telecommunications)	Site Notice posted by the developer

Neighbour Notification

- 4.17 The Council currently uses neighbour notification letters as a means of publicising planning applications. It has found that this is currently the most effective method, where small numbers of residents are likely to be affected by a development and enables people who have been unable to see a Press Notice to express their views.
- 4.18 Adjoining owners and/or occupiers will be notified as soon as possible following the receipt of a valid application.
- 4.19 Additional publicity, in the form of Sites Notices and additional notification letters, may be given to developments likely to create wider concern at the discretion of the Case Officer, in consultation with the Development Control Manager. This may, for example, include applications for proposals with the potential to change the character of the area; cause noise, smell, vibration or other nuisance; activity or noise during unsociable hours; affect trees subject to a Tree

Preservation Order; and other proposals giving rise to a similar level of wider than local impact.

- 4.20 Local community groups can be notified of individual applications, by arrangement.
- 4.21 The Council also has a system in place for notifying the relevant neighbouring local planning authority, to include any neighbours and/or residents that might also be affected by a cross-border planning application. This procedure will, however, normally only apply to major applications, for example, for retailing and housing developments.
- 4.22 The Council's neighbouring local planning authorities have a similar system in place but the decision as to whether planning applications are referred to the Council and/or to local neighbours and residents in Wirral is the responsibility of the relevant adjoining local planning authority.

Periods of Notice.

- 4.23 It is a statutory requirement that the following periods of notice are given before a planning application is determined:

Table 3 – Statutory Periods of Notice for Planning Applications

<i>Method of Publicity</i>	<i>Period of Notice</i>
Press Notice	21 days from the date of publication
Site Notice	21 days beginning with date that the notice was first displayed
Neighbour Notification	21 days beginning with the day on which the notification was delivered

Revised Applications

- 4.24 Non material minor amendments to a planning application, required by the Council or by the applicant, will be accepted where the planning application has not yet been determined. Re-notification and publicity will not be undertaken on minor amendments but the amended plans will be placed on the Council's website.
- 4.25 Where an application has already been determined or significant amendments are proposed to a non-determined application, the Council will require a new application to be submitted. The new application will be subject to a new period of publicity and/or neighbourhood notification.

Publicity by Applicants

- 4.26 Under current legislation, applicants are only required to publicise planning applications in the following situations:

- where an environmental statement is submitted after the application; and
 - where a developer has to apply in advance for a determination as to whether the Council's prior approval is required for certain details of the development.
- 4.27 In the second case, the Council will require that a Site Notice be posted. In both cases, developers have to complete a certificate to confirm that appropriate publicity has been undertaken.
- 4.28 Statutory provisions for developers to consult local communities and take their comments into account before submitting a planning application for certain types of development, which were included in section 122 of the Localism Act 2011, have not yet been enacted.
- 4.29 Further guidance on the procedures for publicising planning applications is available in the Council's Guidance for Publicity on Planning Applications³⁴.

Protocols for Public Involvement

- 4.30 The Council will send neighbour notification letters to inform neighbours that a planning application has been submitted and of the deadline by which comments should be submitted to the Council.
- 4.31 Weekly lists of planning applications that are departures from the Development Plan or which are required to be subject to a Press Notice in Table 2, will be published in the local press.
- 4.32 All planning applications will be made available for public inspection at the local planning authority's principal office during normal office hours and on the Council's website at www.wirral.gov.uk/planning. The website allows searches to be made by township, postcode, application number, date of submission and by the applicant's name.

Consultation Responses

- 4.33 Comments on a planning application must be made in writing by letter or e-mail within the timescale indicated. Respondents are encouraged to submit their comments by e-mail, where this facility is available. Statutory consultees will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
- 4.34 Comments made in response to a planning application will be placed on the application file. The file is available for public inspection and the applicant will be able to see the comments that have been made. Comments will be acknowledged where appropriate contact details have been provided.

³⁴ which can be viewed on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/planning-advice-and-guidance>

- 4.35 All representations, whether for or against the proposal, will be taken into account when the final decision is taken, in line with national and local policies.

Planning Decisions

- 4.36 The Council must determine individual planning applications in accordance with the Development Plan unless material considerations indicate otherwise³⁵. Material considerations are set out in national policy and guidance, local policies and case law.
- 4.37 The Council cannot, for example, take into account:
- issues that are specifically dealt with under other legislation;
 - private property rights issues about boundaries or access;
 - the effect of development on nearby property values;
 - moral issues about a proposal;
 - competition between businesses; or
 - the loss of a private view.
- 4.38 Planning applications must be approved unless there are sound planning reasons for refusal. Permission can be granted with conditions, to make the development more acceptable.
- 4.39 Some applications may also be subject to a legal agreement to ensure that any additional works necessary to make the development acceptable will be completed. The intended content of legal agreements will be reported to the Council's Planning Committee.
- 4.40 Each application will be considered on its merits and if the proposal meets national policy and the Council's policies and standards, planning permission will usually be granted, even if neighbour objections are received. Like most other local planning authorities, the Council refuses only a small proportion of applications.

Decisions by Council Officers

- 4.41 Like most other local planning authorities, the majority of planning decisions in Wirral will be taken by Council Officers in accordance with a Scheme of Delegation set out in the Council's Constitution.
- 4.42 For each decision, a written report will summarise the comments received on each planning application and will describe how these have been taken into account in the decision making process in line with national and local policies.

³⁵ in Wirral the Development Plan includes the policies and proposals which are contained within the Unitary Development Plan for Wirral, which were adopted by the Council in February 2000 and which were saved by a Direction from the Secretary of State in September 2007, unless another local plan has been adopted that is specifically intended to replace them

- 4.43 Decisions that fall outside the Scheme of Delegation will be taken by Planning Committee.

Decisions by Planning Committee

- 4.44 Planning Committee meets every month, usually the last Thursday of the month, during the early evening. Elected Members sitting on the Planning Committee receive a written report prepared by Council Officers on each application to be considered, including full details of the letters and comments that have been received, and a summary of the main points raised. If a letter or comment is received after the written report has been prepared, the main points will be summarised within a late addendum.
- 4.45 The Council only allows the Committee to be addressed by members of the public when a petition has been received containing signatures from at least twenty-five different households before noon on the Monday prior to the Committee meeting. A representative of the petitioners will then be allowed to address the Committee for five minutes. In the event that more than one petition has been received, the allotted time may be divided between the petitioners or one person may present the views of all petitioners.
- 4.46 When a representative of petitioners has been allowed to speak, the applicant or agent will also be invited to address the Committee for a maximum of five minutes. Members of the Planning Committee will then debate the proposal and a decision will be taken by vote, following the consideration of each application.

Post Application Procedures

- 4.47 People who have submitted comments on the application will be advised of the final decision in writing if they have requested formal notification and provided a stamped addressed envelope. The lead name on a petition will be advised of the decision and people who have commented by e-mail will be advised by e-mail.
- 4.48 The applicant/agent will receive a decision notice detailing the conditions and reasons for approval or the reasons for refusal. A copy of the decision notice is kept on file and is available to view at the Council's Regeneration and Planning office.
- 4.49 All decision notices will normally be displayed on the Council's website within four working days of the decision having been made.

Appeals

- 4.50 An applicant can appeal to the Secretary of State against either a refusal of planning permission or against the conditions that have been applied. There are no third party rights of appeal under English law. The appeal procedure is governed by national procedure rules.

- 4.51 In the case of an appeal, the Council will write to all those who were notified of the original application, all the individuals and organisations that commented on the planning application, Wards Members and the chair of Planning Committee, to inform them that an appeal has been submitted, so that they can make further representations to the Planning Inspector appointed to handle the appeal.
- 4.52 The Planning Inspector will copy the final decision to the appellant, the Authority and to any third parties who request in writing a copy of the appeal decision.

Pre-Application Procedures

Pre-Application Discussions

- 4.53 The Council strongly encourages pre-application discussions with potential applicants. Discussions at an early stage, when schemes have not yet been drawn up and proposals are still emerging are, however, often held confidentially.
- 4.54 Pre-application discussions are used to outline the Council's policy requirements and to agree the scope of any technical studies or assessments that will need to be submitted alongside a planning application. They are not able to indicate whether planning permission will be granted or refused.
- 4.55 A "development team approach" is offered for all major applications.
- 4.56 There is a charge for pre-application discussions with the Council³⁶.

Pre-Application Community Involvement

- 4.57 The Council strongly encourages landowners and developers to undertake pre-application community consultation, especially for large, complex or controversial proposals and for proposals that will be contrary to the Development Plan.
- 4.58 The advantages of early involvement of the local community include:
- allowing proposals to be explained before minds are made up on the basis of what can often be inaccurate second-hand information;
 - assistance in gauging community support and obtaining accurate local information;
 - clarification of the issues at debate, providing greater certainty and transparency, saving time later in the decision-making process; and
 - the delivery of a more acceptable development.

³⁶ The latest protocols and scales of charges can be found on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning/pre-application-advice>

- 4.59 Developers will be encouraged to contact the Council before commencing a community involvement exercise, to agree the scope of the exercise and the types of method that will be employed.
- 4.60 The consultation exercise should seek to explain the policy and other background to the proposals and address issues related to the type and scale of development, including its siting, layout, design and access arrangements. If necessary, it should also consider the matter of alternative sites.
- 4.61 A report of the consultation undertaken, the responses received and how the comments have been addressed, should then be submitted alongside the final planning application.
- 4.62 The types of proposal that the Council believe would be most likely to benefit from pre-application community involvement are set out in Table 4, below:

Table 4 – Thresholds for Pre-Application Community Involvement

<i>Type of Proposal</i>	<i>Threshold</i>
Industrial and commercial development, including retail New build and change of use in or adjacent to a Primarily Residential Area	1500 square metres or above
Residential development	100 dwellings or sites of 3 hectares or above
Development affecting a Conservation Area or Listed Building	Proposals for 10 or more dwellings or on sites of 0.5 hectares or above Other proposals of 1000 square metres or above or on sites of 1 hectare or above
Major infrastructure projects such as roads, pipelines or overhead power lines	All proposals
New educational or institutional proposals	All proposals for new sites Extensions of 1000 square metres or above
Mineral extraction proposals	All proposals
Waste processing	All proposals

- 4.63 As the legal processes surrounding planning decisions, permitted development and publicity are subject to regular change, the Council will publish any amendments to these procedures on the Council's website at <http://www.wirral.gov.uk/my-services/environment-and-planning/planning>.

4.64 Primary Contact:

Matthew Davies, Development Control Manager
Wirral Council, Regeneration and Planning Service
North Annexe, Wallasey Town Hall, Brighton Street, Wallasey, Wirral
CH44 8ED

Telephone: 0151 691 8078

Fax: 0151 691 8532

email: matthewdavies@wirral.gov.uk

5 CONSULTATION BODIES AND CONSULTEES

5.1 Examples of the type of bodies and organisation that are currently consulted on the preparation of local plans and supplementary planning documents are illustrated in the lists below:

Specific Consultation Bodies³⁷
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*Adjoining Local Planning Authorities**

Sefton Council
Liverpool City Council
Cheshire West and Chester Council
Flintshire County Council

Adjacent Parish Councils

Other Public Bodies and Agencies

Environment Agency*
Highways Agency
Homes and Communities Agency*
English Heritage*

Marine Management Organisation*
Natural England*
Merseyside Police and Crime Commissioner
Wirral NHS Clinical Commissioning Group.*
Network Rail

Service Undertakers

Electricity Companies
Gas Companies
Telecommunications Companies
Water Undertakers
Sewerage Undertakers

³⁷ Defined in Section 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Bodies to which the additional duty to co-operate also applies under Regulation 4 are indicated with an asterisk*

General Consultation Bodies³⁸

Wirral Community Networks
Voluntary Community Action
Wirral
Wirral Federation of Tenants &
Residents Associations
New Brighton Community
Partnership
Seacombe Community
Partnership
Tranmere Alliance

Faith Groups
Church Commissioners
Diocese of Chester
Diocese of Shrewsbury
Bridgewater Meeting Room Trust
Jehovah's Witnesses
Allerton Trust

National Bodies & Agencies
Natural Resources Wales
Sport England
Forestry Commission
Health and Safety Executive
National Farmers Union
Home Builders Federation
The Theatres Trust

Regional Bodies & Agencies
NW Inshore Fisheries and
Conservation Authority.
NW Sea Anglers

Sub-Regional Bodies & Agencies
Liverpool City Region Local
Enterprise Partnership*
Liverpool City Region Local
Nature Partnership*
Merseyside Environmental
Advisory Service
Merseyside Waste Disposal
Authority

National Health Service
Wirral Hospitals NHS Trust

Utilities & Service Operators
National Grid
Bell Ingram Pipelines
Scottish Power
United Utilities
Dwr Cymru Welsh Water

Transport Bodies & Operators
Local Highway Authorities*
Office of Rail Regulation*
Merseytravel*
Sustrans
Merseyside Cycling Campaign
Cycling Project for the NW
Wirral Footpaths and Open
Spaces Preservation Society
Wirral Transport Users
Association
Civil Aviation Authority*
National Air Traffic Control
Services
Liverpool Airport
Hawarden Airport (Airbus)
General Aviation Awareness
Council
Merseyside & West Cheshire
Ramblers
Arriva North West Limited

Registered Social Providers

Environmental Groups & Societies
Cheshire Wildlife Trust
Wirral Wildlife
Cheshire RIGS Group
Dee Estuary Conservation Group
Mersey Estuary Conservation
Group
Merseyside & West Lancashire
Bat Group
RSPB

³⁸ Defined in Regulation 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as voluntary bodies some or all of whose activities benefit any part of 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 within the area; bodies which represent the interests of disabled persons within the area; and bodies which represent the interests of persons carrying on business within the area. Bodies to which the additional duty to co-operate also applies under Regulation 4 are indicated with an asterisk *

Wirral & Cheshire Badger Group
Wirral Barn Owl Trust
Wirral Environmental network
Woodland Trust

*Conservation Area Advisory
Committees*

Local Civic Societies

Hoyle & District Civic Society
Irby, Thurstaston & Pensby
Amenity Society
New Ferry & Rock Ferry
Conservation Society
Rock Park Estate Management
Committee
Wirral Society
Wirral Green Belt Council

Heritage & History Societies

National Museums Liverpool
Cheshire Gardens Trust
Garden History Society
Bidston Preservation Trust
Birkenhead History Society
Wirral History and Heritage Forum

Disability Groups

WIRED

Elderly Persons Groups

Age UK
Wirral Older People's Parliament

Emergency Services

Merseyside Police

Merseyside Fire and Rescue
Service
North West Ambulance Service
HM Coastguard
Royal National Lifeboat Institute

Higher Education

Wirral Metropolitan College

Local Business Associations

Wirral Investment Network
Wirral Chamber of Commerce
Birkenhead Market Tenants
Association
Birkenhead Town Centre Forum
Heswall & District Business
Association

Local Businesses

Local Residents

Local Residents Associations

Friends Groups

Developers and House Builders

Consultants, Solicitors and Agents

Land and Property Owners

*Gypsy and Travellers
Organisations*

Black and Ethnic Minority Groups

Requests to be added to the contacts database for local plans and supplementary planning document should be directed to: Laura Myles on 0151 691 8225 or by e-mail at lauramyles@wirral.gov.uk

Requests to be added to the contacts database for planning applications and development management decisions should be directed to: the Technical Support Unit on 0151 691 8294 or by e-mail at planningapplications@wirral.gov.uk

6 SOURCES OF PLANNING ADVICE

- 6.1 Planning advice can be obtained from a number of sources, including the Council, Planning Aid and private planning agents and consultants.

Council Advice

- 6.2 Planning officers are available throughout the day to advise on Council policies or to answer queries about individual planning applications. The Development Management Service operates a 'duty rota' system. The duty officer can be contacted on 0151 691 8399.
- 6.3 The Forward Planning Section can be contacted on 0151 691 8225.
- 6.4 Planning officers are unlikely to be available without a prior appointment and will not give advice on legal matters, site searches or the availability of alternative sites.
- 6.5 Pre-application advice is subject to a standard charge.

Planning Aid

- 6.6 Planning Aid is a voluntary service, linked to the Royal Town Planning Institute, offering free, independent and professional advice on town planning matters to community groups, to enable them to participate effectively in planning matters.
- 6.7 Planning Aid England can be contacted on 0203 206 1880 or at <http://www.rtpi.org.uk/planning-aid/>

Planning Consultants and Agents

- 6.8 A number of independent planning consultants and planning agents operate locally and across North West England, who will charge a fee for their time and advice. To retain impartiality, Council officers are unable to make individual recommendations. A list of consultants accredited by the Royal Town Planning Institute can, however, be at viewed at www.rtpi.org.uk

7 GLOSSARY

<i>Terminology</i>	<i>Explanation</i>
Adoption	The decision of the Council to make the final version of a local development document legally operative
Appeal	An independent review of a Council decision to refuse or fail to determine a planning application.
Cabinet	A group of Local Councillors appointed by the Council to take executive decisions on behalf of the Council.
Case Officer	The Council officer responsible for processing the determination of an individual planning application
Community Compact Code	A local agreement between the Council and the voluntary and community sector to partnership working
Conservation Area	An identified area designated by the Council to allow the character and appearance of that area to be protected.
Constituency Committee	Neighbourhood working group responsible for producing a Constituency Plan that will outline priorities for an area.
Consultation Questionnaire	A series of questions intended to indicate the areas where comments are particularly being invited
Corporate Customer Care Standards	A series of guidelines that set out the overall quality of service that can be expected when dealing with the Council
Council Resolution	A formal recorded decision of the Council
Decision Notice	The written notice of the Council's formal decision on an individual planning application
Deposit	The formal placing of documents in locations where they can be inspected by the public free of charge.
Development Plan	A document that sets out the Council's statutory policies for the use and development of land, which individual planning decisions must normally follow.
Development Team Approach	A multi-disciplinary team of Council officers assembled to advise on all aspects of a major development proposal.
Duty to Co-operate	A legal duty to co-ordinate land use planning activities across local authority boundaries
Environmental Statement	A written statement that must explain the impact of certain categories of development proposal on the environment.
Focus Group	A small representative group of people invited to discuss and test the merits of ideas or proposals.
Full Council	The public meeting of all the Local Councillors elected as members of the Council.

<i>Terminology</i>	<i>Explanation</i>
General Consultation Body	The types of organisation that should normally be consulted when a local development document is being prepared.
Independent Examination	The process undertaken by a Planning Inspector appointed by the Secretary of State to test the soundness of local plan.
Independent review panel	A panel of local groups and experts invited to check the quality of the local sustainability appraisal process.
Initial Consultation	The early stages of deciding on the scope and content of an emerging document in consultation with local stakeholders.
Judicial Review	The opportunity to challenge the legality of a planning decision in the High Court.
Legal Agreement	A commitment by a developer to undertake the works necessary to make a development acceptable.
Legal compliance	A test that ensures that all the legal requirements for the preparation of a local plan have been followed and met.
Local Councillor	A community representative elected as a member of the Council as a result of Local Government Elections.
Local Development Document	A document prepared by the Council to guide future development within the Borough as part of the Local Development Framework for the Borough
Local Development Scheme	A document setting out the timetable for the preparation of local plans and other local development documents
Local Plan	A local development document that will form part of the statutory Development Plan for the area
Local Planning Authority	A body responsible for undertaking local planning functions under the Town and Country Planning Acts.
Local Strategic Partnership	A body bringing together representatives of the public, private, voluntary and community sectors active within the Borough.
Material Consideration	A consideration related to the development and use of land that can be taken into account when taking planning decisions.
Monitoring Report	A report setting out the Council's progress on the preparation and implementation of local development documents.
National Planning Policy Framework	A document that sets out the Government's national planning policies for the operation of the land use planning system.
Neighbour Notification	A letter sent to the immediate neighbours of land subject to a site-specific development proposal.
Neighbourhood Development Plan	A statutory development plan prepared by a local community and endorsed by a local referendum

<i>Terminology</i>	<i>Explanation</i>
Neighbourhood Development Order	A statutory order prepared by a local community to allow types of development endorsed by a local referendum
Open Day	An open meeting to which the public can “drop in” to hear a presentation or view consultation materials and where Council officers will be available to answer questions on a one-to-one basis
Permitted Development	Development that can be undertaken without the need to apply to the Council for planning permission.
Planning Application	The documents and plans that form part of an application for planning permission.
Planning Committee	A group of Local Councillors appointed by the Council to make decisions under the Town and Country Planning Acts.
Planning Inspector	A person appointed by the Secretary of State to carry out an independent examination of a local plan or to consider an appeal against the Council’s refusal of planning permission.
Pre-Application Consultation	Consultation undertaken on a development proposal before a planning application has been submitted.
Press Notice	A notice published in the local press to inform the public of certain categories of development proposal
Prior Notification	The requirement to formally notify the Council of the intention to carry out certain types of development.
Public Meeting	A meeting held in public to which the public are invited to hear about planning proposals
Representation	A comment submitted in writing in response to public consultation.
Scheme of Delegation	The published rules for allowing Council officers to issue decisions on behalf of Planning Committee.
Secretary of State	The person appointed by the Prime Minister to have overall responsibility for operation of the national planning system.
Site Notice	A notice that must be placed in public view at or near the site subject to a development proposal.
Soundness	A test that ensures that a local plan will comply with national planning policies.
Specific Consultation Body	A person or organisation that should normally be consulted when a local development document is being prepared.
Stakeholder	A person or organisation with an interest in the future planning and development of the Borough
Statutory Consultee	A person or body that must be consulted by law.

<i>Terminology</i>	<i>Explanation</i>
Statutory Notification	A notice to people or organisations that must be issued by the Council by law
Strategic Environmental Assessment	A written assessment of the likely significant effects on the environment.
Submission	The process of sending a local plan to the Secretary of State for independent examination
Sustainability Appraisal	A written appraisal of the likely social, economic and environmental impacts of a policy or proposal.
Targeted Consultation	Consultation directed towards obtaining a response from specific groups of people.
Tree Preservation Order	An Order issued by the Council to protect an identified tree or group of trees.
Workshop	A meeting of people invited by the Council to obtain their ideas on how to address a particular topic or issue
Written Representations	The process by which an appeal or independent examination is decided through the exchange of written correspondence.