



HYNDBURN

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an excellent council**

Statement of Community Involvement

For the Hyndburn Local Plan

March 2022

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STATEMENT OF COMMUNITY INVOLVEMENT

1.0 Introduction

- 1.1 Planning involves making decisions which will shape Hyndburn Borough for future generations. It is really important that people are meaningfully involved in decisions which have an impact on our communities.
- 1.2 This Statement of Community Involvement (SCI) sets out the approach of the Council relating to who, how and when it will engage local communities and interested persons in producing local plans and determining planning applications.
- 1.3 The preparation of this SCI fulfils the requirement set out in section 18 of the Planning and Compulsory Purchase Act 2004. Both the Local Plans and Development Management functions are also guided by regulatory requirements¹.
- 1.4 Whilst mindful of the need to fulfil statutory and regulatory requirements, the Council is also aware that as resources become more limited, it needs to find more cost effective ways of engaging interested persons in the planning processes while ensuring that consultation is meaningful, equitable and inclusive.
- 1.5 The previous SCI was adopted by the Council in 2018. This reflected changes in legislation since the first SCI was published in 2006, such as changes to the National Planning Policy Framework (NPPF) relevant at the time and new guidance on Neighbourhood Planning. This latest SCI has been revised to reflect the most recent NPPF (2021) and the latest timetable for the production of the Hyndburn Local Plan. The SCI will be reviewed at least every 5 years from the date of adoption².

2.0 Who are interested persons?

- 2.1 Anyone who has an interest in, or is affected by planning in the Borough can be considered within the definition. This might include:
 - residents of the Borough;
 - hard to reach groups (including young people, elderly persons, ethnic minorities, gypsies and travellers, people with disabilities etc.);

¹ Town and Country Planning (Local Planning)(England) Regulations 2012 – as subsequently amended and Town and Country Planning (Development Management Procedure)(England) Order 2015

² Regulation 4 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

- local businesses;
- community groups;
- interest groups and local organisations;
- elected members of the Borough;
- County Councillors and Parish Councillors;
- statutory bodies;
- utility providers;
- local partnerships; and
- landowners, developers and agents.

2.2 The relevant Regulations which govern planning identify groups of people which must be involved in the plan making and development management processes. These are covered in the following sections in relation to the relevant function.

3.0 Involvement in Local Plans

3.1 The Council is required to prepare a Local Plan for its area. This may comprise:

- **Development Plan Documents (DPD)** which contain policies and proposals for the area. They are prepared according to a statutory process which includes independent examination. When adopted they form part of the statutory development plan and set the framework for making decisions on planning applications;
- **Supplementary Planning Documents (SPD)** usually contain information which provides further detail on policies in DPDs. Whilst prepared according to regulatory requirements, they are not subject to independent examination. Examples include design guides for certain types of developments and development briefs for specific sites.

3.2 It is also required to prepare and publish a [Local Development Scheme \(LDS\)](#)³ setting out which documents will make up the Hyndburn Local Plan and the timetable(s) for doing so.

3.3 There is no requirement to set out in the LDS a timetable for the production of any SPDs. The list of [currently adopted SPD](#)⁴ can be found on the Council's Local Plan webpages. Any new SPD being consulted on will also be published here as appropriate.

³ <https://www.hyndburnbc.gov.uk/local-development-scheme/>

⁴ <https://www.hyndburnbc.gov.uk/supplementary-planning-documents-spds/>

- 3.4 NPPF⁵ sets out that Plans should be “shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees”.
- 3.5 The Regulations governing plan making⁶ state that any person may make representations about a DPD or SPD. It identifies groups which must be involved in the processes and set out when they are involved. These are:
- general consultation bodies (voluntary groups, interest groups, business groups and organisations); and
 - specific consultation bodies (mainly public bodies and organisations who provide public services and infrastructure).
- 3.6 The Council also has a “Duty to Co-operate”⁷ with prescribed organisations in preparing Local Plans. It must engage constructively with adjoining local planning authorities and other relevant organisations to maximise the effectiveness of their respective plans in relation to strategic planning matters which cross the administrative boundaries. Such matters might include flooding, green belt, development requirements and strategic sites. Many of these organisations are also consulted as specific consultation bodies in the plan making process. Details of the Council’s Duty to Co-operate activities must be reported in the [Authority Monitoring Report](#) (AMR)⁸ which is published annually. The Council is also required to demonstrate at examination that the duty has been fulfilled.
- 3.7 To demonstrate effective and ongoing joint working, authorities are required⁹ to prepare and maintain statements of common ground which will document the cross boundary matters and progress on co-operation. These will be made available at the required stages of the plan making process.
- 3.8 The Regulations set out the processes which must be followed for preparing DPDs and SPDs and provide a basic framework for engagement in the plan making process. The main stages and opportunities for engagement and involvement are shown in tables 3.2 and 3.3 below.

⁵ NPPF para. 16

⁶ Town and Country Planning (Local Planning)(England) Regulations 2012 and any subsequent amendments

⁷ Localism Act 2011

⁸ <https://www.hyndburnbc.gov.uk/download-package/hyndburn-amr-201516/>

⁹ NPPF para. 27

3.9 Table 3.2: Community Involvement in DPD preparation

| Regulatory/statutory Stage | Community Engagement/Consultation |
|---|--|
| Preliminary stages ¹⁰ (see also Regulation 18) | This stage is not prescribed in Regulations but may include: <ul style="list-style-type: none"> • undertake and publish evidence base research • inviting involvement from interested parties in preliminary stages as appropriate to plan subject and issues e.g. engagement with stakeholders, Call for Sites |
| Initial plan preparation (often referred to as “Issues and Options” (Regulation 18) | This stage is not prescribed in the Regulations but may include: <ul style="list-style-type: none"> • Engagement with interested parties e.g. scoping reports, topic and discussion papers, issues and options etc. for a minimum of six weeks. • Second stage of consultation may take place where appropriate on preferred option for a minimum of six weeks |
| Publication of local plan/DPD (Regulation 19) | <ul style="list-style-type: none"> • Preferred plan published for a formal consultation period of not less than six weeks. |
| Submission of documents and information to the Secretary of State (Regulation 22) | <ul style="list-style-type: none"> • Plan submitted for Independent examination • Submission documents include representations statement under Reg 22(c) • Consideration of representations by independent inspector |
| Independent examination (Regulation 24) | <ul style="list-style-type: none"> • Representations made are considered by a planning inspector either in writing or at hearing sessions in certain circumstances. • Where an inspector recommends Main Modifications to the plan to make it sound, these will be subject to formal consultation. |
| Adoption of local plan/DPD (Regulation 26) | No formal consultation Adopted plan made available Notification of adoption (Reg 26(b)) |
| Authority Monitoring Report (AMR) (Regulation 34) | AMR to be made publicly available. This will feed into the ongoing survey of the area and will highlight whether the plan needs to be reviewed in advance of the requirement to review every five years from adoption ¹¹ |

¹⁰ this is a new provision introduced in Section 13 (2) of the Neighbourhood Planning Act 2017 and refers to section 18 of the Planning and Compulsory Act 2004 in relation to survey of the area

¹¹ Regulation 10A Town and Country Planning (Local Planning)(England) Regulations 2012 – as subsequently amended by Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017 [Reg4]

Table 3.3: Community Involvement in SPD preparation

| Regulatory Stage | Community Involvement |
|---|--|
| Preparation of draft SPD (Regulation 12 & 13) | <ul style="list-style-type: none">• seek representations on the draft SPD for a period of not less than 4 weeks• consideration of representations by Council• make available a representations statement under Reg 12(a) |
| Adoption of final SPD (Regulation 14) | No formal consultation Adopted SPD made available Notification of adoption (Reg 14b) |

3.10 Regulatory requirements require the review of a local plan to be completed every five years from the date of its adoption¹². The review of the plan will then be undertaken in accordance with the prescribed process.

3.11 The implementation and effectiveness of an adopted plan is assessed through the monitoring framework which forms part of the adopted plan. This is reported through the AMR which is made public as prescribed. The AMR will also report on whether the timescales and key stages in plan production as set out in the LDS are being achieved. As such it identifies if the plan is being effective and whether there are any changes in the wider context which are affecting the plan. Overall these will identify if there is a need for a review of the plan.

Key Consultation principles in relation to plan making:

3.12 The LDS, SCI, AMR, DPDs and SPDs will be made available at:

- Council Offices located at Scaitcliffe House, Ormerod Street, Accrington, BB1 0PF¹³;
- the Council's website: www.hyndburnbc.gov.uk

3.13 In addition, as appropriate to the subject matter or geographic area of the plan, at the relevant consultation stages in preparing DPDs and SPDs, the relevant versions of the documents will be made available at the following venues to facilitate local engagement:

- Lancashire County Council libraries in the Borough (Accrington, Great Harwood, Oswaldtwistle and Rishton)¹⁴ and community libraries;

3.14 The Council will also make documents available in alternative formats on request where this would facilitate involvement in the plan making process by groups who would be otherwise excluded. These formats include large print,

¹² Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017

¹³ for the purposes of Reg 35(1)(a) 2012 Regulations, this is the "principal office"

¹⁴ as at 2022

audio and translations into other languages of summary documents where this is reasonably practicable.

3.15 Where possible contact and notification will be made by email to ensure correspondence arrives promptly and to reduce cost to the Council. Where it is not possible, letters will be sent through the post.

3.16 A key tool in plan making consultation will be the Council's Local Plan consultation database which includes details of people and organisations who have been involved in or asked to be informed of the Local Plan preparation process. This includes: all specific consultation bodies; Duty to Co-operate bodies, any relevant general consultation bodies; and residents and other interested parties who have asked to be added to the list. The database will be administered in accordance with the requirements of the General Data Protection Regulations (GDPR). You can ask to be added to the database at any time by:

- email: planningpolicy@hyndburnbc.gov.uk
- telephone: 01254 388111
- post: Planning Policy Team, Scaitcliffe House, Ormerod St, Accrington, BB5 0PF.

3.17 Where it is reasonably practicable, the Council will seek to link notification of key stages in plan preparation with other consultations to reduce consultation overload and to make most efficient use of resources.

3.18 A range of engagement methods might be used to facilitate consultation and engagement and invite representations depending on the stage of the plan preparation and the scope of the policies. Since the Covid19 pandemic the use of online and virtual consultation has greatly increased. Whilst this provides a cost-effective, convenient and widely accessible form of consultation, the Council may supplement this with in-person consultation where possible and appropriate. The range of consultation methods could include:

- **meetings** in local areas. These may take a variety of formats including public meetings, online meetings, drop in sessions and workshops and may have a targeted or general audience;
- **exhibitions** (staffed or unstaffed) – both physical and virtual;
- **posters, leaflets and questionnaires** (to be made available at relevant locations, online and through social media);
- **press** articles or notices;
- use of **social media** (such as Twitter and Facebook) to publicise consultations and events and seek input into the processes.

3.19 Press releases will be prepared and passed to local media groups (e.g. newspaper and radio) to give publicity to the key stages in plan preparation. There is no formal requirement to place formal notices in the press to advertise key stages. However, the Council may consider placing notices and announcements where appropriate.

Publication of Representations

3.20 Representations received in the plan making process will be made available for viewing as part of the regulatory process either for viewing individually or as part of a consultation report required at specific stages of the process. Personal details will be redacted in accordance with GDPR requirements.

3.21 The Council will consider all responses which are submitted and determine whether any changes need to be made to the plan at the relevant stage in the planning process. Regulations require the Council to demonstrate this at prescribed stages in the process.¹⁵

4.0 Involvement in Neighbourhood Planning

4.1 Legislation¹⁶ provides for the community to take the lead in both Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDO's).

4.2 NDPs may be prepared by neighbourhood forums, parish and town councils. Once they are 'made' a NDP becomes part of the statutory development plan and must be taken into account in making decisions on planning applications.

4.3 A Neighbourhood Forum, parish council or town council may also prepare a (NDO) for its area. A NDO grants planning permission for a specified area for types of development specified in the NDO.

4.4 There are currently no NDPs or NDOs in Hyndburn. The Clayton le Moors and Altham Neighbourhood Area and Forum was formally designated in March 2013 but to date no plan has been submitted for examination.

4.5 The preparation of NDPs is guided by Regulations¹⁷ and the responsibility to prepare a NDP/NDO rests with the relevant body (i.e. Neighbourhood Forum, town or parish council) and includes consultation at the early stage of plan preparation. Both processes similarly involve:

¹⁵ 2012 Regulations: Reg 22(1)(c) in relation to DPDs and Reg 12(a) in relation to SPDs

¹⁶ Localism Act 2011

¹⁷ The Neighbourhood Planning (General) Regulations 2012

- designating an area to which the NDP/NDO relates;
- designating a Forum (where this is not a town or parish council);
- preparing the NDP/NDO and consultation with interested parties;
- independent check by examiner;
- community referendum; and
- being “made” by a the local planning authority.

The Council’s involvement in NDPs and NDO’s is largely procedural and is shown in the table below:

Table 4.1: Council’s role in Neighbourhood Plan making

| Regulatory Stage | Councils’ Involvement | Comments |
|---|---|---|
| Designation of Neighbourhood Area (Regulations 6&7) or Neighbourhood Forum (Regulations 9&10) | <ul style="list-style-type: none"> • Publicise Area/Forum application for minimum 6 week period with prescribed consultees. • Documents to be made available on the Council’s website and at local inspection points (e.g. a public library) where relevant and practicable. • Publicise designation of Neighbourhood Area/Forum | |
| Preparation of draft NDP/NDO and pre-submission consultation (Regulation 14/21) | - | Neighbourhood Planning Body is responsible for the preparing the plan/order and for pre-submission consultation and publicity. It is also required to submit a statement along with the draft plan/order which sets out what consultation has taken place and how this has shaped the preparation of the NDP/NDO. |
| Publicising submitted NDP/NDO (Regulation 16/23) | <ul style="list-style-type: none"> • Publicise submitted NDP/NDO proposals for minimum 6 week consultation period in prescribed manner • appoint independent examiner | |
| Submission of proposed plan/order for examination (Regulation 17/24) | <ul style="list-style-type: none"> • submit NDP/NDO to appointed independent examiner | |
| Following Examination of plan/order (Regulation 18/25) | <ul style="list-style-type: none"> • Publish Examiner’s report and publicise any further actions to be taken on draft NDP/NDO/order on website | |
| Community Referendum | Make arrangements for community referendum. | The majority of people voting must support the NDP/NDO |
| Make the plan/order (Regulation 19&20/26&27) | Council will bring final NDP/NDO into effect (i.e. ‘make’ it), notify relevant parties and publicise it | Adopted NDPs form part of the development plan. |

Key Consultation Principles relating to Neighbourhood Planning functions

- 4.6 Where it has responsibilities and involvement in the NDP/NDO processes, the Council will apply the principles set out in the following paragraphs.
- 4.7 The Council will maintain a dedicated area of its website¹⁸ where it will publicise matters relating to NDPs and NDOs. This includes guidance in relation to the overall planning processes, the designation of Neighbourhood Areas and Forums, and guidance on consultation.
- 4.8 The Council will make required consultation documents and associated supporting documents relating to NDPs and NDOs available in the dedicated area of its website, at its principal office and at any local libraries or publically accessible point in the relevant locality where appropriate and reasonably practicable to foster engagement.
- 4.9 Within the limitations of its resources, the Council will provide assistance and advice to the bodies preparing or modifying NDPs¹⁹ as follows:
- guidance on the statutory and regulatory process for the making of or alteration to NDPs/NDOs;
 - provision of evidence base information where this is available (including the relevant housing requirement figure for the NDP area);
 - the linkages to the development plan documents produced by the local planning authority, including providing comments on draft NDPs/NDOs ;
 - Arranging for the appointment of the Examiner.

¹⁸ <https://www.hyndburnbc.gov.uk/neighbourhood-planning-in-hyndburn/>

¹⁹ as required by Section 6 of the Neighbourhood Planning Act 2017

5.0 Involvement in Planning Applications

Pre-application advice and consultation

- 5.1 Pre application discussions aim to confirm whether the principle of development could be acceptable and allows clear advice to be given on what information is required in order for a planning decision to be made. This allows applications to progress with more certainty through the formal process. Such applications are treated as confidential. Further information can be found on the Council's website.²⁰
- 5.2 Developers are encouraged to consult with neighbours and statutory bodies before submitting an application whether pre-application advice is sought or not. Engagement with the community can help the applicant gauge the community response to the proposals and address any issues of concerns before the initial submission.
- 5.3 Developers of major development²¹ would be expected to engage with the wider community. The methods of sharing the information will be dependent on the nature and scale of the proposal but could include:
- Consultation events with the local community;
 - Consultation with elected members;
 - Press notices/leaflets to nearby residents.
- 5.4 The consultation arrangements should be organised, managed and funded by the applicant/developer to allow the input of the community at the outset.
- 5.5 The applicant is urged to discuss with the Council proposed measures to effectively involve the community at an early stage as part of pre-application discussions. Applicants are then urged to submit a consultation statement with the planning application to set out what pre-application consultation was undertaken, who was engaged and how, and what the outcomes/amendments to the scheme were.

Planning Application Process

- 5.6 Public Consultation: The Council is required to undertake a formal period of public consultation before determining an application. This is set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. There are also separate arrangements for listed buildings which are set out in Regulation 5 and 5a of the Listed Buildings and Conservation Area Regulations 1990 (as amended).

²⁰ <https://www.hyndburnbc.gov.uk/do-you-need-planning-permission/>

²¹ as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015

- 5.7 For most planning applications, details of the application will be published on the council's website and a weekly list is published on line.
- 5.8 The council will seek to engage a wide range of stakeholders in the planning application process. These include Government departments and agencies, Council departments, adjoining local authorities and interest bodies, and this is carried out in accordance with the nature of the application.
- 5.9 Representations should be made to the Council within the 21 day consultation period. However, consideration will be given to those received after the 21 days wherever possible, until the decision is made.
- 5.10 Re-consultation: Where an application has been amended the Local Planning Authority will decide whether further publicity and consultation is necessary. When it is, an additional 10-14 days will be provided for comments.
- 5.11 Notification of decision: When a decision has been reached, notice is sent to the agent or applicant advising of the outcome. A copy of the decision is also published on the Council's website. If the decision is made by the Planning Committee, minutes will also be made available on the Council's website.
- 5.12 Appeal to the Secretary of State: The Council will notify all those advised in the original planning application as they are given a further opportunity to comment in writing or make representations at a hearing or inquiry into the appeal.

6.0 Monitoring of the Statement of Community Involvement

- 6.1 The Council will monitor the SCI to ensure it remains up to date and in view of a subsequently introduced requirement to review it at least every five years.²²

²² The Localism Act 2011, The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, Neighbourhood Planning Act 2017