



# Halton Borough Council Draft Statement of Community Involvement

Consultation Document  
January 2019



# **DRAFT STATEMENT OF COMMUNITY INVOLVEMENT**

## **January 2019**

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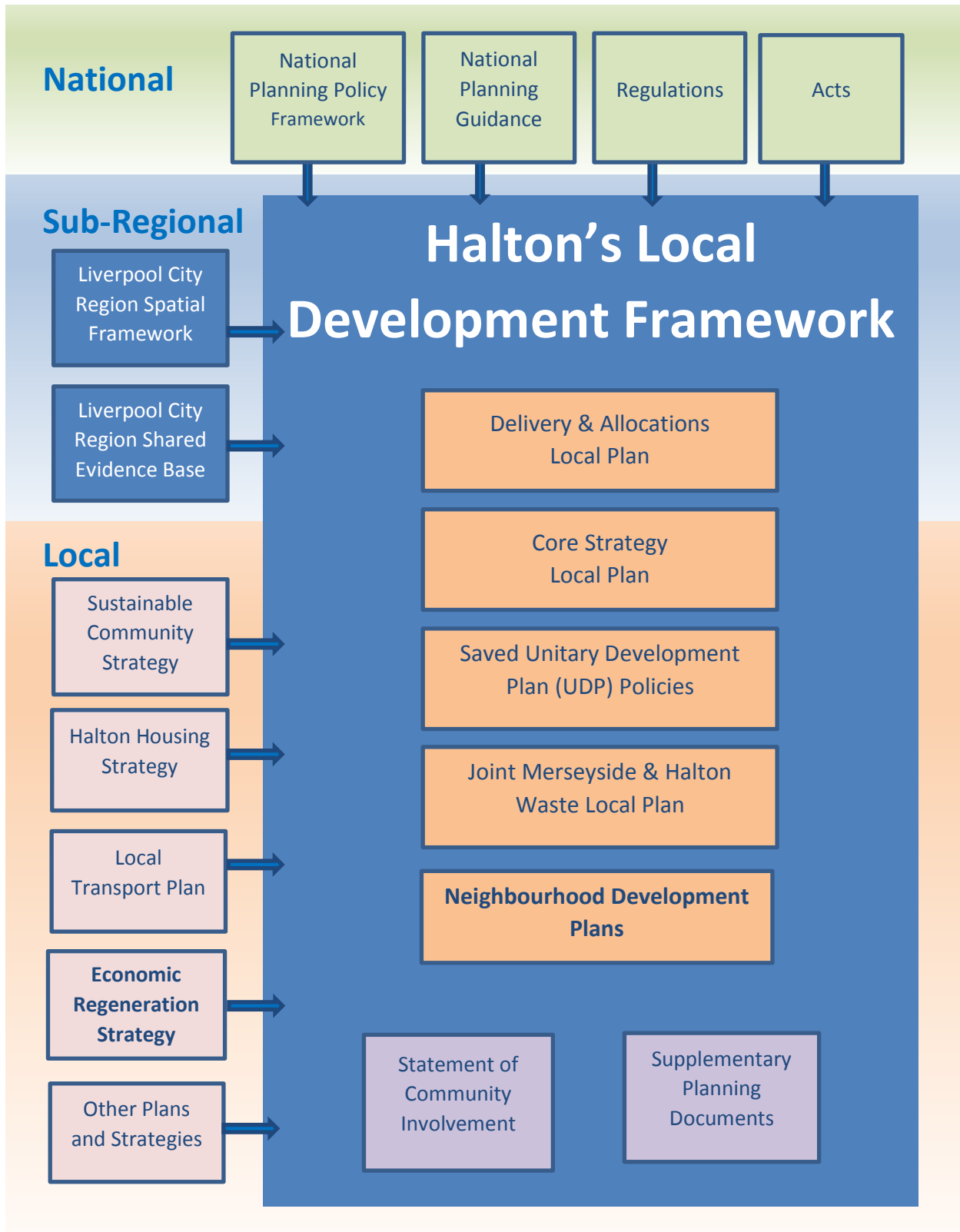
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# I. Introduction and Purpose

## Our Statement of Community Involvement (SCI): Role and Purpose

- I.1 The role and purpose of the SCI is to provide the community with clarity on the levels of involvement that they should expect in planning processes. This statement explains how the Council will involve the community in planning for the future use of land in the Borough.
- I.2 The Council is responsible for preparing planning documents used to shape the future development of the Borough. Together, these documents are known as the Local Development Framework (LDF). The policies within these documents need to take account of local, regional, sub-regional and national policies, needs and interests. This document is the third Statement of Community Involvement (SCI) Halton Borough Council has produced and is part of the LDF. The first SCI was adopted in 2007 and revised in 2013. The SCI now requires revision because of:
- recent changes in the National Planning Policy Framework, planning regulations and procedures governing plan making.
  - the introduction of the 'Duty to Inform, Consult and Involve' arising from the Local Government & Public Involvement in Health Act 2007,
- I.3 The LDF is a folder made up of a number of;
- Local Development Documents (LDDs),
  - Supplementary Planning Documents (SPDs) and,
  - process documents such as the Authority's Monitoring Report (AMR) and the Statement of Community Involvement (SCI).
- I.4 These plans and documents can be prepared and reviewed separately, increasing opportunities for community involvement, as different LDDs and SPDs will be prepared at different times in response to changing circumstances. The Halton LDF is illustrated in figure 1 below.

Figure 1: SCI Policy context



## Statutory basis for this Statement of Community involvement (SCI)

- 1.5 The requirement to prepare a SCI was introduced by section 18 of the Planning and Compulsory Purchase Act 2004.
- 1.6 The functions specified for the purpose of SCI's are the Council's functions relating to:
- The preparation and revision of Local Plans and other Local Development Documents (including joint Local Development Documents) and
  - The provisions relating to the control of development in Part 3 Town and Country Planning Act 1990.

## What are the legal requirements?

- 1.7 Details of consultation required during the preparation of the documents covered by the SCI are set out in various Acts, Statutory Instruments and policy documents, including;
- The Planning and Compulsory Purchase Act 2004, Section 18 (Part 1), sets out the requirement for LPAs to produce a Statement of Community Involvement;
  - The Town and Country Planning (Local Planning) (England) Regulation's 2012 (as amended) set out the minimum requirements for consultation on planning policy documents;
  - The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the minimum requirements for consultation on planning applications;
  - The Localism Act 2011, Sections 110, sets out a "Duty to Co-operate" between public bodies on planning issues that cross administrative boundaries;
  - The National Planning Policy Framework (NPPF) 2018 sets out the importance of community involvement and multi-agency consultation, and further emphasises the importance of cross-boundary co-operation.
  - The Community Infrastructure Levy Regulation's 2010 (as amended) set out the minimum requirements for consultation on the Community Infrastructure Levy;
  - Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 sets out the need to periodically review Conservation Area designations in consultation with the community;
  - The Town and Country Planning Act 1990, Section 199, sets out the need to consult persons and consider representation and objections in relation to Tree Preservation Orders (TPOs)

## 2. Regulatory Framework

- 2.1 The Council's first SCI<sup>1</sup> was prepared in the context of the Town and Country Planning (Local Development) (England) Regulations 2004<sup>2</sup> (as amended). It was first adopted in July 2007 and subsequently revised in 2013.
- 2.2 The Government has since made changes to the planning process through legislation<sup>3</sup> and associated revised regulations<sup>4</sup>, together with revised policy in the National Planning Policy Framework (NPPF)<sup>5</sup>. This fourth version of the SCI has been prepared in the context of these changes and to ensure that the legal requirements for community involvement will be met.
- 2.3 The requirements set out in the regulations can be summarised as follows:
- Formal consultation for a defined period: this must be for a minimum of six weeks for Local Development Documents (LDDs) and four weeks for Supplementary Planning Documents (SPDs).
  - Notification and issue of information to specific consultation bodies which the Council considers would have an interest in the subject matter.
  - Notification to 'general' consultees which the Council considers appropriate or have expressed an interest in the preparation of a LDD or SPD and whose details are held on the LDF database.
  - Information made available on the Council's website.
  - Make information available at 'deposit locations'.
  - Publish a statement setting out who has been consulted during the preparation of the LDD and how the consultation was undertaken. The statement will also include a summary of the main issues raised and details as to how the issues have been addressed in the document.
  - Publish an adoption statement on the website, and inform to consultees who had requested to be notified of the adoption of a LDD document.
- 2.4 The Localism Act 2011 requires all LPAs to engage with neighboring authorities and other statutory bodies to consider joint approaches to plan-making. Halton Council is committed to fulfilling its Duty to cooperate and works closely with neighbouring authorities and other partner organisations and stakeholders. Regulation 4 of the Town

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<sup>1</sup> HBC (2007) Statement of Community Involvement

<sup>2</sup> CLG (2004) Town and Country Planning (Local Development)(England) Regulations

<sup>3</sup> CLG (2008) The Planning Act

<sup>4</sup> CLG (2012) Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended)

<sup>5</sup> CLG (2018) National Planning Policy Framework (as amended)

and Country Planning (Local Planning) (England) Regulations 2012 lists the Duty to Co-operate 'prescribed bodies'.

- 2.5 A number of documents are also relevant to the preparation of the SCI these include:
- Halton Borough Council Sustainable Community Strategy 2011-2026 which sets out the Council's approach to community engagement; and
  - The Halton Local Development Scheme (LDS) – this sets out the timetable for the preparation of planning policy documents
- 2.6 Nothing in this SCI overrides any statutory provision relating to the preparation, adoption or revision of local development documents (including joint local development documents).



### 3. How to interpret this document

- 3.1 This document is divided into four sections to reflect the requirements of Section 18 Planning and Compulsory Purchase Act<sup>6</sup>. Part C and Part D to reflect the Localism Act (2011) and the Neighbourhood Planning (General) Regulations 2012 (as amended).

#### **Part A : Local Plans**

Deals with the preparation and revision of Local Plans and other local development documents (including joint local development documents and supplementary planning documents).

#### **Part B : Development Management**

Deals with the provisions relating to Development Management, i.e. the control of development as set out in Part 111 of the Town and Country Planning Act 1990<sup>7</sup>.

#### **Part C : Neighbourhood Plans**

Deals with the preparation and revisions of Neighbourhood Plans and Local Development Orders.

#### **Part D : Community Infrastructure Levy**

Deals with the preparation and introduction of the Community Infrastructure Levy (CIL).

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<sup>6</sup> [HMSO \(2004\) The Planning and Compulsory Purchase Act](#)

<sup>7</sup> [HMSO \(1990\) The Town and Country Planning Act](#)

## PART A: Local Plans

### Preparation and Revision of Local Plans and other Local Development Documents

#### 4. Community Involvement in the Local Development Framework

- 4.1 Halton Borough Council is responsible for preparing a LDF to guide development in the borough. At the time of writing in 2018, the Core Strategy Local Plan is the overarching strategic planning document. The LDF also includes the saved policies from the Halton Unitary Development Plan (UDP)<sup>8</sup> and a range of adopted SPDs. These documents will be in place until superseded by the adoption of new local plans which are subject to examination in public by an independent inspector appointed by the Secretary of State.

##### Key Contacts and LDF Consultation Database

- 4.2 The Council holds a database of contact details for organisations and community groups. It contains details of statutory organisations and people who have responded to previous consultations or have requested to be informed of the production of LDDs, SPDs and/or supporting documents. This is a 'live' database, updated on a regular basis as requests for inclusion or removal are received. All data held is pursuant to the principles of the Data Protection Act<sup>9</sup> (1998).
- 4.3 To subscribe, see <https://halton.me/planning-contact/>

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<sup>8</sup> HMSO (2011) The Localism Act

<sup>9</sup> HMSO (2012) Neighbourhood Planning (General) Regulations (as amended)

## When and how can the community get involved in the production of the LDF documents?

### Local Development Documents

- 4.4 Each Local Development Document (LDD) that the Council prepares has to go through a number of stages, with informal and formal consultation stages taking place along the way. The stages are described below and illustrated in Figure 2.

### Scoping and Pre-Production

- 4.5 The Council will seek the involvement of relevant groups in the formation of evidence; this will be used to support planning policies. The Council will ensure that based upon the relevance to the subject of the LDD. Those who have expressed an interest in the subject area when subscribing to the consultation database may be consulted.
- 4.6 Information relating to the formal ‘scoping’ stage (Reg 18) will be made available for viewing at deposit locations (as listed in Section 10) and made available on the Council’s website. As a method of reducing duplication and achieving greater efficiency, the Council anticipates that multiple documents may be consulted upon at one time.
- 4.7 Planning Authorities must undertake a Strategic Environmental Assessment (SEA) on documents which are likely to have significant environmental effects under European Directive 2001/42/EC<sup>10</sup>. It is also mandatory for LDDs to produce a Sustainability Appraisal (SA)<sup>11</sup>. The SA process ensures that we assess the environmental, economic and social effects of policies and proposals as the LDD is being produced. The overall aim is to check whether our policies and plans are contributing towards achieving sustainable development. The SA takes place alongside the preparation of a Local Development Document and includes opportunities for involvement at key stages of the document’s production. Whilst the SA and SEA tests are distinct, it is possible to carry them out in one appraisal process. During formal consultation(s) in the production stage of a LDD the SA and SEA will be made available at deposit locations and on the Council website.

### Production

- 4.8 Using evidence previously gathered or commissioned, the Council will begin work on preparing a draft document that;

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<sup>10</sup> European Union Directive (2001) The European SEA Directive 2001/42/EC

<sup>11</sup> Sustainability Appraisal

- a) has considered alternative approaches and is justified in the selected approach, and;
  - b) is underpinned by both the evidence base and SA.
- 4.9 The draft LDD will be subject to a six week public consultation period. Appropriate stakeholders, and those individuals with an identified interest in the topic/document subscribed to the LDF notifications system (consultation database) will be contacted. The draft LDD and supporting documents will be placed at deposit locations and will be made available on the Council website.
- 4.10 Representations received during the public consultation will be taken into consideration and the LDD altered as appropriate. A concise report called a 'Statement of Consultation' will be prepared summarising the representations received and how they are to be, or have been, addressed in the subsequent 'submission' version of the LDD.

### Submission - Examination

- 4.11 The 'submission' version of the LDD, the SA and supporting documents will be placed at deposit locations and on the Council website. These documents will also be sent to the Secretary of State. Representations can be made at this stage, however, they will not be considered by the Council, but by an independent Inspector, appointed by the Secretary of State, who will hold a public examination.
- 4.12 At least six weeks before the examination hearing sessions begin all details of the hearing sessions will be advertised in the local press and on the Council website. This information will include times, dates and the location of the examination and the name of the inspector appointed.
- 4.13 It is at the inspectors' discretion as to whether a 'pre examination' meeting is called. This would take place 8 weeks prior to the start of the examination hearing sessions.
- 4.14 It is at the Inspector's discretion as to what issues they wish to cover in the Hearing Sessions, whether to hold Hearing Sessions and whom may be invited to take part in any Hearing Sessions.

### Adoption

- 4.15 Following an examination, the Inspector will produce a report which informs the Council of their findings. If no major changes to the LDD are required the Council can proceed to adoption. If major changes are required these will be subject to a six week public consultation.

- 4.16 The Council will produce an adoption statement; this will be available on the Council's website. A notification letter will also be posted to all consultees that have previously requested to be notified of the adoption of the LDD.

Figure 2: LDD production stages

DPD Preparation Stage	Reg Number	Purpose	Consultation Required?	Publicity Required?
Evidence gathering	-	Gather evidence in order to identify the issues and opportunities for development in the Borough	As necessary for each evidence document	As necessary for each evidence document
Scoping	Reg 18	Notify persons/groups of the subject of the DPD and invite them to make representations about the content of the DPD	Yes	Yes
Issues and Options	-	Gathering evidence on the issues and options for suggested policy directions and undertaking initial work on the Sustainability Appraisal. Notify persons/groups of the issues for the DPD and invite them to make representations.  If consulted upon, comments received will inform the next stage.	Optional (requirement removed by the 2012 Regulation's)	Optional (requirement removed by the 2012 Regulation's)
Preferred Options	-	To prepare a draft document taking into account the comments made at Issues and Options and produce a Sustainability Appraisal.	Optional	Optional
Publication	Reg 19 Reg 20	Prepare a final draft document taking into account the comments made at any previous stages, along with a Sustainability Appraisal.	Yes	Yes
Submission of a DPD to the Secretary of State	Reg 22	All representations received at Publication stage will be collated, summarised and forwarded to an independent Planning Inspector	No	Yes
Independent Examination	Reg 24	The EiP considers the soundness of the DP, which includes an assessment of whether the LPA has considered the views of the community and met the requirements of the SCI	No	Yes
Main Modifications		The Planning Inspector may recommend modifications to the DPD in order to make	Yes	Yes

		it pass a test of soundness. Any comments received will be considered by the Planning Inspector		
Publication of Inspectors Report / Adoption of the DPD	Reg 25 Reg26	Subject to the recommendations of the Planning Inspector, the Council will adopt the DPD as soon as practical and will notify consultees of the publication of the Inspectors Report and adoption of the DPD.	No	Yes
Monitoring and Review		Annual Monitoring will track the performance of policies and to advise on necessary adjustments	No	No

### Supplementary Planning Documents (SPD)

- 4.17 Supplementary Planning Documents are produced to provide more detailed planning policy guidance to applicants or their agents seeking planning permission. They supplement existing Local Development Documents. The following section describes when and at what stage public consultation takes place in the production of an SPD and is illustrated in figure 3 below.
- 4.18 Unlike a LDD, an SPD is not required to be examined by the Secretary of State, as the content of the SPD is intended to ‘supplement’ policies within a LDD which will have undergone an examination in public.

### Pre-Production

- 4.19 At this stage evidence is gathered to support policies to be written. As previously stated SPDs supplement existing LDD policies or saved Unitary Development Plan (UDP) policies. Therefore, it is likely that some evidence will already exist which will be used in the preparation of the SPD. Where additional evidence is required, consultation will occur with groups/ departments/ organisations who have expressed an interest in the SPD subject or who are associated with the subject, for example, the Hot Food Takeaway SPD consultation was undertaken with Environmental Health.

### Production

- 4.20 A draft SPD is prepared and is subject to a minimum four week consultation period. Appropriate stakeholders stored on the LDF database and any organisation or person requesting to be kept informed of the production of SPDs will be contacted and informed that the SPD is available at deposit locations. The SPD consultation will be advertised and made available on the Council’s website.

4.21 In accordance with Regulation 17 (d)(i) of the Town and Country Planning (Local Planning)(England) 2004 Regulations 2012<sup>12</sup> a 'Statement of Consultation' will be produced. This will list all representations received as a result of the consultation and will explain how they have been taken into consideration and, where appropriate, the SPD altered.

## Adoption

4.22 Following an internal approvals process, the statement of consultation and an adoption statement will be made available on the Council website and at deposit locations. An adoption statement will be sent to any person who had requested to be notified of the adoption of the SPD.

Figure 3: SPD production stages

SPD Preparation Stage	Reg Number	Purpose	Consultation Required?	Publicity Required?
Evidence gathering	-	Gather evidence in order to the SPD	No	No
Scoping/Issues	Reg 12(a)	To set the scope of and identify issues. Comments will inform the next stage of the SPD.	Informal/ limited to bodies who have expressed an interest in the subject	Optional
Public participation on draft SPD	Reg 12(b) Reg 13	To prepare the draft SPD Publish consultation statement (Reg 12(a)) and draft SPD, invite representations on the draft SPD. Comments will inform the next stage of the SPD	Yes	Yes
Final SPD	-	To produce the final SPD	No	No
Adoption of the SPD	Reg 14	Adoption of the SPD	No	Yes
Monitoring & Review		Annual Monitoring will track the performance of policies and to advise on necessary adjustments	No	No

<sup>12</sup> CLG (2012) Town and Country Planning (Local Planning)(England) Regulations (as amended)

## PART B: Development Management

### Community Involvement in Planning Applications

## 5. Provisions relating to the control of development in Part 111 Town and Country Planning Act 1990.

- 5.1 The planning application process involves the making, consideration and determination of applications for “development” which can be either building works or a material change of use. There are also other types of applications that do not involve development but fall under the management of the local planning authority and include applications for advertisement consents and listed building consents.

### Timescales

- 5.2 The government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development, then this period will extend to 16 weeks.

### Permitted Development

- 5.3 Not all “development” requires a planning application for planning permission. Some works can be carried out as “Permitted Development” whereby planning permission is automatically granted by the Town and Country Planning (General Permitted Development) (England) Order 2015. Similarly, not all advertisements require consent from the Council; certain types of advert may be displayed with “Deemed Consent”.

If you are unsure whether or not you require planning permission, or other planning related consents please visit

[https://www.planningportal.co.uk/info/200125/do\\_you\\_need\\_permission](https://www.planningportal.co.uk/info/200125/do_you_need_permission)

The Planning portal provides a useful link to an interactive house.

- 5.4 For up-to-date information on how to make a planning application, guidance can be found on our website

<https://www3.halton.gov.uk/Pages/planning/applyforplanning.aspx>



## Pre Application Advice

- 5.5 Halton Borough Council welcomes and encourages applicants and developers to see pre-application advice from the Council prior to the submission of a formal planning application. There are a number of benefits in seeking advice before making an application, including:
- Providing early guidance on the planning policies relevant to your development and help to understand how these policies apply to your proposal;
  - Identifying if there is a need for specialist information such as a tree survey, flood risk assessment, ecological assessment.
  - Enabling proposals to be changed and potential problems overcome before an application is submitted, saving time during the application process and minimising the risk of planning permission being refused.
  - Ensuring you know what information is required to submit the application
  - Identifying and addressing issues at pre-application stage can save time when an application is submitted and may result in a quicker decision.

In summary, pre-application discussion can help deliver a higher quality of application which improves the chance of successful outcomes.

## What is required when submitting a pre-application enquiry?

- 5.6 Normally pre-application enquiries require the submission of sketch drawing and other relevant detail and applicants are asked to fill in forms which are available on the Council's website. We aim to provide a response within 28 days wherever possible, we will advise on the likelihood of gaining an approval on an informal basis.
- 5.7 The schedule of charges for pre-application advice and the pre application procedure can be found on the Council's webpages at:  
<https://www3.halton.gov.uk/Pages/planning/Get-Planning-Advice.aspx>

## How will the Council consult on pre-application enquiries?

- 5.8 For major pre-application enquiries the Council may seek advice from statutory consultees in order to provide comprehensive pre-application advice.
- 5.9 During pre-application discussion officers will advise developers on whether we feel the proposal would benefit from a process of community involvement before the application is submitted. National Planning Practice Guidance advises that "pre application engagement with the community is encouraged where it will add value to the process and the outcome." The Council understands that different types of

development will require public consultation to be tailored to suit the individual circumstances, however on major schemes a developer would be expected to consider holding a public meeting, exhibition and leaflet drop in the local area. Appropriate consultation plans can be agreed at pre application stage.

- 5.10 Community consultation measures are not necessary for small scale applications for example a house extension or single dwelling. However, we emphasise with applicant/developers the benefits to be gained from discussing proposals with neighbours.

## Development Management

- 5.11 The Council exercises its development management function in the public interest and is committed to publicising and consulting on planning applications. Upon receipt of a planning application the Council will undertake a period of formal consultation.
- 5.12 Dependent upon the type of application being considered, the Council is also required to consult various organisation and bodies and to invite them to make a representation, as set out in the Town and Country Planning (Development Management Procedure Order) (England) (2015) (DMPO).
- 5.13 The main type of consultation groups include:
- Public
  - Statutory Consultees
  - Non Statutory Consultees
- 5.14 The level of consultation associated with planning applications, will be proportionate to the type and scale of planning applications being determined. The Council will meet legal requirements with regards to publicity.
- 5.15 The following regulations set out public consultation:
- Town and Country Planning (Development Management Procedure) (England) Order 2015
  - The Planning (Listed Building and Conservation Areas) Regulations and The Planning (Listed Buildings and Conservation Areas) Act 1990
  - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The regulations state how the consultation should be undertaken whether by site notice or individual neighbour notification.

- 5.16 Neighbour notification by letter is the principal method of consultation for most planning applications. Letters are sent to all owners/occupiers of properties that

immediately adjoin the boundary of the application site. Where the Council is unsure of the owner of an adjoining site a site notice will be displayed.

- 5.17 A press notice is also required for the following types of applications:
- Erection of 10 or more dwellings, or a site areas of 0.5 ha or more
  - Erection of 1000 sqm of floor space or site area of 1 ha or more
  - An application accompanied by an Environmental Impact Statement
  - A departure from the Local Plan
  - A development that would affect a public right of way under part III of the Wildlife and Countryside Act 1981
  - Development affecting the character or appearance of a Conservation Area
  - Development affecting the setting of a Listed Building.
- 5.18 Interested parties are given 21 days to respond in writing to the consultation.,
- 5.19 A weekly list of planning applications is available on the Council's webpage, or you can sign up to receive the weekly list via email at <https://webapp.halton.gov.uk/planningapps/>
- 5.20 We consult neighbouring Council's where appropriate and also consult directly any properties in other Boroughs which directly adjoin an application site.

### How to comment on a planning application

- 5.21 Planning applications can be viewed in on the Council's website <https://webapp.halton.gov.uk/planningapps/>
- 5.22 Comments may be made on any planning application, by anyone, regardless of whether or not they were consulted individually. All comments must be made in writing and must contain the name and address of the author. The Council will not take into consideration any anonymous comments received.
- 5.23 Comments received are public information and cannot legally be kept confidential, therefore comment should not include any personal information for example, phone numbers or signatures. Comments should be submitted within the stated identified consultation period,

### Notifying you of a decision

- 5.24 A decision on the planning application will be available on the Council webpage, it is the responsibility of the individual who have commented on an application to check the status of the application on the web page as people who have commented on an application are not notified that a decision has been made.

## PART C

### 6. Neighbourhood Plans and Neighbourhood Development Orders

#### What is Neighbourhood Planning?

- 6.1 Introduced by the Localism Act 2011 supported by the Neighbourhood Planning (General) Regulations 2012 (as amended), Neighbourhood planning offers communities three new planning tools intended to support community-led growth and development.
- 1) Neighbourhood Development Plans  
These Plans allow communities to establish general (non-strategic) planning policies for the development and use of land within a defined neighbourhood area and so influence the type, design, location and mix of new development.
  - 2) Neighbourhood Development Orders  
This is a community led “order” that grants planning permission in relation to a Neighbourhood Area for development specified in the Order. An order cannot relate to ‘excluded’ development and does not grant building regulations approval.
  - 3) Community Right to Build Orders  
This is a particular type of Neighbourhood Development Order that grants planning permission for small-scale, site-specific, community-led developments. It does not remove the need for Building Regulations approval
- 6.2 Neighbourhood Planning is a community-led framework for guiding the future development, regeneration and conservation of an area. It is about the use and development of land and may contain a vision, aims, planning policies and proposals for improving the area, or the allocation of key sites for specific kinds of development.
- 6.3 A Neighbourhood Plan is subject to an independent examination, and if approved by the Examiner a local referendum, in which residents on the electoral register within the designated area can vote. If the Plan or Order is supported by over 50% of the turnout, the local authority must adopt it into its Local Development Framework, thereby representing a material consideration in the determination of planning applications, or “make” the Order so removing the need for separate planning permission.
- 6.4 The Neighbourhood Plan must be made within 8 weeks of the date of the Referendum. Prior to a draft neighbourhood plan being “made” after succeeding at referendum, it automatically forms part of the development plan, but it would not continue to do so if the Borough Council were to decide it should not be “made”.
- 6.5 Neighbourhood Planning proposals must be;

- In line with local and national planning policies
  - In line with other laws
  - In accordance with the local planning authority plans for growth.
- 6.6 Like local plans, regulations cover neighbourhood plan/orders preparation, including consultation requirements. Regulations also cover the referendum stage. The council's role is to provide advice and support to groups developing a plan. Up to submission of the final draft ('proposed submission') plan, it is the Parish council/qualifying body that is responsible for public consultation and engagement in its preparation.

### Borough Council support for Neighbourhood Plans

- 6.7 The Borough Council will seek to provide proportionate support to 'qualifying bodies' seeking to prepare a Neighbourhood Plan, where the level of support does not adversely impact on the delivery of the Council's own Local Development Scheme.
- 6.8 Support may include;
- Technical advice on process and procedures
  - Advice on potential scope of the Neighbourhood Plan and interrelationships with existing / emerging higher level policy
  - Interpretation of Borough planning policies
  - Interpretation of evidence base studies / information
  - Provision of housing development requirements
- 6.9 Where appropriate, the Council will consider an informal service level agreement with qualifying bodies to cover information sharing (both ways), procedural issues and intended timetables.
- 6.10 The preparation of a Neighbourhood Plan is the responsibility of the individual qualifying body, and as such the nature, timing and extent of the public engagement is outside the scope of this SCI. The following table sets out the key stages in the preparation of a Neighbourhood Plan, where regulations require the qualifying body to undertake consultation and the duties/roll of the Borough Council.

<b>Neighbourhood Development Plans and Orders</b>		
<b>Key Stages</b>	<b>Opportunities for engagement</b>	
	<b>Qualifying body</b>	<b>Halton Council</b>
<b><u>Stage 1: Designation of neighbourhood area (and if appropriate neighbourhood forum):</u></b>		
Qualifying body submits an application to the borough council to designate an area	Before submitting an application to designate the neighbourhood area the qualifying body may decide to consult with the local community about preparing a neighbourhood plan/ order.	<p>Where a <b>parish council</b> applies for the whole of a parish to be designated as a neighbourhood planning area and no existing designations/applications are in place the Council must designate the area, and will publicise the designation.</p> <p>Where another group applies for designation, the Council will formally publicise and consult on the application (minimum consultation period is 4 weeks) and will publish details in relation to the designation or refusal of a neighbourhood area</p> <ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the council consider may have an interest.</li> <li>• Make documents available on the council's website, at the HDL offices and other locations as considered appropriate.</li> </ul>
<b><u>Stage 2: Preparing the Draft Neighbourhood Plan/Order</u></b>		
<ul style="list-style-type: none"> <li>• Develop vision, aims and objectives</li> <li>• Develop communications strategy</li> <li>• Gathering baseline information and evidence</li> <li>• Identify and assess options</li> <li>• Prepare draft Neighbourhood Plan/</li> </ul>	Qualifying body should undertake ongoing consultation and engagement with the community (those living, working, with an interest in or affected by proposals) and relevant consultees (such as infrastructure providers) as the neighbourhood plan/order is being developed.	

<p>Order and associated documents</p> <p>Ensure compliance with EU obligations If the plan is deemed likely to have significant environmental effects then Strategic Environmental Assessment will be required.</p>	<p>If it is determined that a Strategic Environmental Assessment (SEA) is required for the neighbourhood plan then the Parish Council / qualifying body will need to undertake the SEA.</p>	<p>The Council will carry out an initial screening which lasts for five weeks and involves consulting the statutory consultees.</p>
<p><b><u>Stage 3: Pre-submission publicity and consultation</u></b></p>		
<ul style="list-style-type: none"> <li>• Formal consultation stage</li> <li>• After consultation, the qualifying body will consider representations received and amend neighbourhood plan as appropriate</li> <li>• Consultation statement is prepared which details the consultation undertaken, the responses received and any changes as a result.</li> <li>• The Borough Council will continue to provide informal advice and support.</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifying body will formally publicise the draft neighbourhood plan or order and invite representations.</li> <li>• Consultation bodies (outlined in the Neighbourhood Planning Regulations<sup>13</sup> (Sch1) also need to be consulted.</li> </ul>	<p>The Council may make formal representations in response to consultation</p>
<p><b><u>Stage 4: Submission of Neighbourhood Plan/Order to Borough Council:</u></b></p>		
<p>Submission Plan and supporting documents submitted to the council including basic conditions</p>		<p>If the Council finds that the plan or order meets the legal requirements it will formally</p>

<sup>13</sup> The Neighbourhood Planning (General) Regulations 2012 No. 637 SCHEDULE 1

statement, SEA and consultation statement.		<p>publicise and consult (for a minimum of 6 weeks) as follows:</p> <ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the council consider may have an interest.</li> <li>• Make documents available on the council's website, at Deposit Locations as considered appropriate along with any locations suggested by the Parish Council/qualifying body.</li> <li>• Use social media and local media/ press to raise awareness</li> <li>• Collate the representations made to send to the examiner.</li> </ul>
<b><u>Stage 5: Independent examination</u></b>		
<ul style="list-style-type: none"> <li>• Qualifying body submits plan, relevant documentation and representations to independent examiner.</li> <li>• Following examination, the examiner issues a recommendation to the council and qualifying body.</li> <li>• If the council is satisfied that the Plan/Order meets the basic conditions the neighbourhood plan proceeds to referendum, working with the parish/town council/forum in light of any changes</li> </ul>		<p>The Council will;</p> <ul style="list-style-type: none"> <li>• Write to specific, general and all other consultees who the council consider may have an interest informing them that the examiner's report has been published.</li> <li>• Publish the examiner's report on the council's website</li> </ul>



<p>required by the examiner.</p> <ul style="list-style-type: none"> <li>• If the council doesn't think the basic conditions have been met, they will work with the qualifying body to determine the way forward.</li> </ul>		
<p><b><u>Stage 6 : Referendum plan/order</u></b></p>		
<p>Referendum version of the neighbourhood plan/order made available by the council along with associated documents including information statement, examiners report, decision statement and general information document.</p> <ul style="list-style-type: none"> <li>• Results declared after polling has taken place</li> <li>• If there is a positive referendum result the Neighbourhood Plan becomes part of the Development Plan immediately.</li> </ul>	<p>Qualifying body can raise awareness of referendum through publication of <b><i>neutral promotional material</i></b>.</p>	<p>Council makes arrangements and publishes notice for the referendum setting out the relevant information and associated documents in line with legislative requirements. These documents will be made available on the council's website, council offices, local library and parish council office along with any locations suggested by the qualifying body.</p> <ul style="list-style-type: none"> <li>• A person is entitled to vote if at the time of the referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the referendum area.</li> <li>• Council declares result of referendum on website and via social media.</li> </ul>
<p><b><u>Stage 7: Making the neighbourhood plan/ order</u></b></p>		
<p>If more than 50% vote in favour, the Borough council 'makes' the plan via Council resolution.</p>		<p>The Council will;</p> <ul style="list-style-type: none"> <li>• Publish the Neighbourhood Plan, adoption statement and SEA adoption statement (where relevant) on the council's website, at the council offices and other locations as considered</li> </ul>

		appropriate. A copy of the adoption statement will be sent to specific, general and all other consultees who the council consider may have an interest.
<b><u>Stage 8: Monitoring and Review</u></b>		
The Neighbourhood Plan sets out the period for which it has effect. Qualifying bodies in areas where policies in a made neighbourhood plan have become out of date may decide to update their plan, or part of it before the end of the plan period.	The process for the 'making' of a replacement plan/order is the same as the process for the making of the existing plan/order. A streamlined procedure for modification of a neighbourhood development plans/orders where the proposed modifications would materially affect the policies in the plan/order, but would not be as significant or substantial as to change the nature of the plan is also possible.	The Council will advise on the options, process and timing for reviewing neighbourhood plans.

## PART D

### 7. Community Infrastructure Levy (CIL)

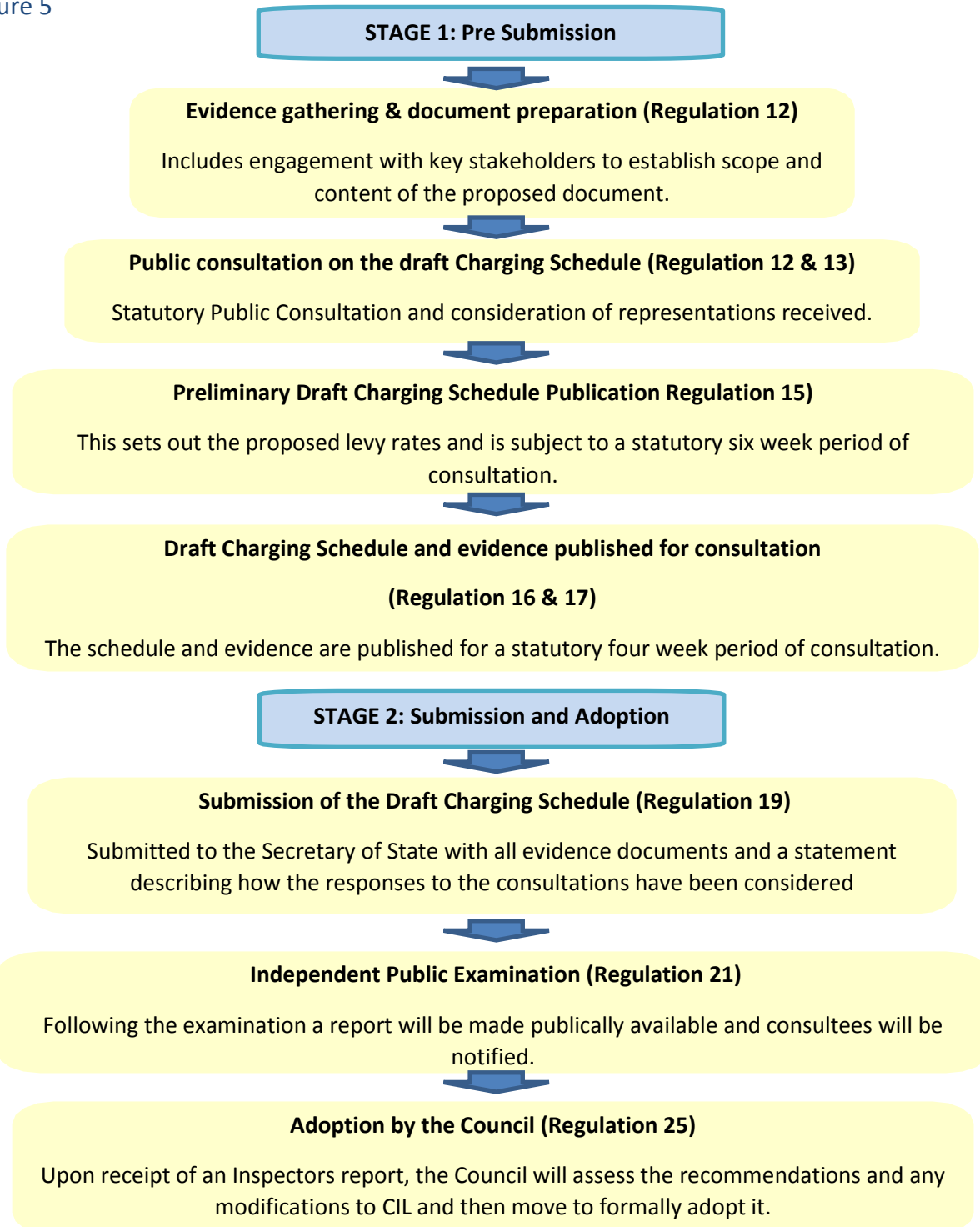
- 7.1 There are CIL Regulations<sup>14</sup> that prescribe the steps that need to be undertaken in the preparation of a CIL Charging schedule, as described in figure 5 below. The procedures for preparation, consultation, submission and examination are very similar to those for the preparation of Local Development Documents which collectively form Halton's Local Plan.
- 7.2 Initial preparation of a draft CIL involves engagement with key stakeholders to establish the scope and content of the CIL. The Council will prepare a preliminary draft and this will then be consulted on for a period of 6 weeks. Following this, the Council will consider the representations received and prepare a Draft Charging Schedule. This is then consulted upon for a further statutory six week period
- 7.3 If there are any modifications following consultation on the Draft, there will be another consultation for at least 4 weeks.
- 7.4 Following the consultation period, the Draft Charging Schedule will be submitted to the Secretary of State together with all supporting evidence documents and a statement setting out how the council have considered representations received following each consultation stage, This statement will clearly explain how the responses have been considered by the Council, and how or if the schedule has been amended as a result.
- 7.5 An independent examination of the CIL by a Government appointed Inspector, will be arranged. Members of the public, stakeholders and the Council are able to attend. The purpose of the Examination is to consider the "soundness" of the Community Infrastructure Levy and whether it meets the legal requirements as set out in the relevant legislation and regulations. The conduct of the Examination is usually hearing sessions whereby representors can present their comments orally to the inspector during the sessions. The Examination may, however, be wholly by written representations; this will be determined by the Inspector. During the Examination the Inspector may pose additional questions to the Council and other representors to help his/her understanding of the issues. These questions and the responses given will be made publically available, usually on the Council's website. The Examination may result in modifications being required in order to make CIL 'sound'. If these modifications are deemed to be significant 'material changes' to the schedule then the Inspector may advise that the Council undertakes a further round of public consultation on these changes. This consultation will usually be for six weeks.
- 7.6 Following the Examination, the Inspector will prepare a report on the CIL and make recommendations and or modifications which are required before CIL can be adopted. This report will be made publically available and consultees will be notified.

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<sup>14</sup> CLG (2010) The Community Infrastructure Levy Regulations (as amended)

- 7.7 Upon receipt of an Inspectors report, the Council will assess the recommendations and any modifications to CIL and then move to formally adopt it. The Council will produce and Adoption Statement, advertise that the Schedule has been adopted and make the document available for public inspection at the main Council Planning Offices and on the Council website.

Figure 5



## 8. Further Planning Advice

- 8.1 The Royal Town Planning Institute (RTPI) is helping to encourage public participation in planning issues by setting up a Planning Aid system in every region. The advice offered to community groups and individuals is complementary to the advice given by the local authority. Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees:

Planning Aid England (PAE)

Tel: 020 7929 9494

([www.rtpi.org.uk/planning-aid](http://www.rtpi.org.uk/planning-aid))

- 8.2 The planning portal is a web based source of planning information. ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)). The information provided allows members of the public to learn more about how the planning system works and find out how they can become involved. The planning portal provides comprehensive information for both planning policy and development control/development management.

## 9. Monitoring

9.1

The Council will maintain the LDF consultation database which will continue to be the main source to identify individual consultees for future consultation exercises. The Council will seek to work with partners and land owners to pursue delivery against the Vision and Strategic Objectives of the Sustainable Community Strategy and Core Strategy Development document within the LDF.

## 10. Availability of Consultation Material

- 10.1 All consultation material, supporting background and evidence base documents will be published on the Council website.
- 10.2 All consultation material will be made available in Halton Direct Link offices and in all Halton's libraries. The location and opening times of the Councils offices and libraries can be found online at: <http://www3.halton.gov.uk/educationandlearning/libraries/>