Kirklees COUNCIL

# Statement of Community Involvement

**December 2019**

## Contents

Background and the need for review ..... 2
Keeping You Informed ..... 3
Section 2 Community involvement in planning policy ..... 4
What do we want to achieve from the SCI ..... 4
Who will we consult? ..... 4
Consultees ..... 4
Duty to Co-operate ..... 5
The role of councillors in planning policy ..... 5
How we will consult and communicate: ..... 6
General Data Protection Regulation (GDPR) ..... 6
Methods ..... 8
What documents will we consult on? ..... 12
Local Plan ..... 13
Area Action Plans (AAP) ..... 14
Supplementary Planning Documents (SPD) ..... 14
Masterplans, Development Frameworks or Briefs ..... 15
Sustainability Appraisal and Strategic Environmental Assessment ..... 15
Community Infrastructure Levy (CIL) ..... 16
Neighbourhood Plans ..... 17
When will we consult and what is the process? ..... 18
Feedback ..... 19
Section 3 Neighbourhood Planning ..... 19
Introduction – Getting started ..... 19
Our relationship with neighbourhood planning groups ..... 19
Making of the Neighbourhood Plan ..... 22
Other Ways to shape development in your area ..... 23
Further information ..... 23
GLOSSARY ..... 24
Appendix 1 ..... 26
Statutory consultees ..... 26

## Section 1 Introduction

1.1 This document sets out a series of guidelines on the scope of community involvement, how and when the council will engage and undertake consultation on planning policy documents and how you can become involved. For example, if you have an interest in town centre area action plans, supplementary planning guidance or planning policy guidance which affects our district, this document tells you, how and when you can get involved and how your comments will be used to influence and shape the council's planning policies.

1.2 It does not set out involvement in the planning application process, which is detailed in our Development Management Charter.

1.3 The document updates the council's existing Statement of Community Involvement (SCI) which was adopted in 2015. This revised document was adopted by Cabinet on 3rd December 2019.

### Background and the need for review

1.4 National Planning Policy Framework February 2019 paragraph 16 states:

"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"

1.5 The document seeks to promote involvement in planning policy at an early stage in order to work towards a consensus and thereby reduce the scope for delay at later stages. By getting involved and having your say in planning decisions you can help to shape the future of your area.

1.6 In addition, there are also statutory requirements that the council must meet at each stage of plan preparation.

1.7 Who is consulted may vary according to the issue under consideration as it is important to ensure that we reach out to individuals and communities affected by the issues raised. This may require some tailored consultation which could be addressed through for example, specific focus groups alongside the wider consultation.

1.8 The production of a SCI is a government requirement introduced by the Planning and Compulsory Purchase Act 2004. Legislative requirements[1] state that the SCI must be reviewed (and amended where necessary) at least every five years. An early review of the SCI has been undertaken to reflect the following:

- Changes to planning policy processes, stages, engagement requirements set out in legislation;
- General Data Protection Regulation (GDPR) requirements and compliance;

[1] Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

- Updated information on how the council will support Neighbourhood Planning groups in the district.

1.9 National changes have been made which impacts the way we handle your data[2], and how we produce accessible documents[3]. We also need to set out how communities can get involved in planning through Neighbourhood Planning, consultation, and other avenues for community-led planning.

1.10 This SCI reflects council-wide changes in ways of working as set out in the Corporate Plan 2018-2020 Refresh, working *with* people, not *doing to* or *doing for.* Our engagement and consultation can help develop the council's focus on place based working which is at the heart of what we do.

### Keeping You Informed

1.11 This document should be read alongside the following:

The Local Development Scheme which sets out our timelines for producing new planning documents, and is updated periodically. It also sets out how the production of planning documents is resourced within the council, and other departments that we work with in producing planning policy.

The Authority Monitoring Report (AMR) which sets out the progress that has been made over the previous year in producing planning documents, and how much development has occurred within Housing and Employment. It must be published at least annually. The latest AMR was published in March 2019.

Neighbourhood Planning Updates – the progress of current designated neighbourhood plans can be found on our website which will help you to know when there are opportunities to get involved. It should be noted that the council is not responsible for the consultation programmes for the neighbourhood plans as that is the responsibility of the Parish/Town Council or Neighbourhood Forum.

1.12 The latest updates can be found on the Planning Policy webpage. The above information will help you to know what we are planning to produce and timetables for review. The SCI and the above documents can all be found on the council's website

[2] (The General Data Protection Regulation (EU) 2016/679 (GDPR))
[3] (Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018)

## Section 2 Community involvement in planning policy

### What do we want to achieve from the SCI

2.1 In setting out clear guidance we aim to:

- Increase public awareness of the planning process and how to get involved;
- Ensure a transparent process based on consideration of a range of options and local priorities and concerns;
- Provide an opportunity to help groups and individuals shape the local plan and make representations on its contents; and
- Help create a sense of ownership on planning issues.

2.2 Production of planning policy documents is governed by statutory requirements not just for the production of the document but for consultation. However, we have a duty to ensure early engagement in document production and we have the ability to use and promote different methods to ensure that we get the best results. This has the added benefit of improving place based working and promoting engagement in a way which best fits the issue and the area being addressed. The purpose of the SCI is to make these processes clearer so it is easier to get involved.

### Who will we consult?

#### Consultees

2.3 This depends on the type of document and the nature of the consultation. Regulations and government guidance specify the bodies and organisations that we must notify when preparing the Local Plan or Supplementary Planning Documents. The regulations do provide some discretion over whether to notify certain bodies particularly if that document or issue is not likely to be of interest or relevance to it.

2.4 We will aim to consult relevant groups where a proposal will directly affect them. Generally we will seek the views of those who live or work in the district relevant to the document being consulted on such as:

- Residents;
- Adjoining local authorities;
- Parish and town councils;
- Specific consultee bodies – See Appendix 1 - organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. These include neighbouring and parish councils, key service providers, Government departments and non-government organisations;
- General consultee bodies – organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. They include bodies which represent

the interests of different racial, ethnic, religious or national groups, disabled persons and business in the local planning authority's area;

- Interest groups;
- Voluntary organisations;
- Businesses;
- Developers and landowners;
- Marginalised groups - which includes those with protected characteristics under the Equality Act 2010, young people, elderly people, disabled people, and religious and ethnic minority groups;
- 'Seldom heard'. There is some overlap between marginalised groups and those 'seldom heard', who may be disengaged with the planning system. Additional effort should be taken to ensure that consultation is accessible to those who are seldom heard, rather than only those who usually engage with the planning system. Where a 'seldom heard' group is also a group with a protected characteristic, this is an important consideration in line with our duties under the Equality Act (2010). 'Seldom heard' groups includes those who find engaging in planning issues less accessible for practical reasons – such as single parents, carers, those in full time or irregular work, rural communities and those without adequate access to or knowledge of the internet.

### Duty to Co-operate

2.5 The Localism Act (2011) places a "duty to co-operate" on all local authorities and a number of public bodies which requires on-going, constructive and effective engagement on areas of plan making which may have strategic cross boundary implications. This does not apply to all planning policy documents.

2.6 The public bodies are set out in Town and Country Planning (Local Planning) (England) Regulations 2012 as amended by the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013.

2.7 These bodies play a key role in delivering local aspirations, and cooperation between the bodies and local planning authorities is vital to make Local Plans as effective as possible on strategic cross boundary matters. The bodies should make proportionate responses in how they do this and tailor their degree of cooperation to maximise the effectiveness of plans.

2.8 The duty to co-operate is in addition to continuing to consult a number of statutory groups such as neighbouring authorities or local or national agencies.

### The role of councillors in planning policy

2.9 Councillors have an extremely important role to play in the planning process, both as decision makers and as representatives for the views of local people. Councillors will also help you to understand the planning process and assist you to respond to consultations on planning policy documents. They will also communicate your views

to officers and other councillors to ensure that all views are taken into account when determining how the council should proceed.

### How we will consult and communicate:

2.10 All consultation, engagement and feedback documents will be placed on the council's website.

2.11 Hard copies of documents will be made available at Huddersfield Civic Centre 3, Dewsbury Service Centre and other public buildings subject to the nature and scope of the consultation. Consultees will be informed of the nature and scope of the consultation and any additional locations prior to the start of the consultation period/event in order to raise public awareness. Details will be available on the website. Where possible summary leaflets will be produced for documents being consulted on.

2.12 The council will seek to maximise the use of its own Planning Policy on-line system by using it for consultation and for respondents making comments. This has time and cost savings as all the contacts for the Local Plan and associated documents are contained on the system and the use of the system for inputting and analysing comments makes it quicker and easier to run reports on comments made, especially when undertaking multiple rounds of consultation on a single policy document. The use of the on-line system will be in accordance with GDPR requirements set out below.

### General Data Protection Regulation (GDPR)

2.13 We will notify contacts on our Planning Policy on-line system where individuals or organisations have opted in to be consulted at the relevant statutory consultation stages for each type of document. Consultees will be encouraged to supply an e-mail contact as this is more time and cost efficient than sending letters and will be encouraged to submit comments electronically where they are able to do so.

2.14 You can register as a consultee or an agent on our Planning Consultations website. The information saved on the system will be used in accordance with the Council's registration under the GDPR (2018). This includes personal information such as name, address, phone number and land ownership information. Consultation responses cannot be treated as confidential as this would inhibit Kirklees Council's fulfilment of its duties regarding consultation. It is recommended that consultees operate under a 'presumption of transparency'.

2.15 For the purposes of public consultation, the council collect and process information about you in order to fulfil its public duties under Article 6(1) (e) Public Task and Article 6(1) (c) Compliance with a Legal Obligation of the General Data Protection Regulations. You have a qualified right to object to the use of personal information verbally or in writing. For more information on how the Planning Policy Team at Kirklees council collects, uses and shares your information, see our Privacy Notice.

## Principles

2.16 We will:

- Produce a Local Development Scheme which sets out the key documents to be produced, timescales and associated consultation stages;
- Meet and where practicably possible and necessary will exceed the minimum standards for community involvement as set out in legislation;
- Make every effort to avoid consulting over holiday periods. However, where this is not possible due to the project timescales/funding etc. then the council will seek to extend the consultation period.
- Give guidance on the purpose, aims and scope of the consultation so respondents know what they can comment on and how their comments will be taken into account;
- Wherever practicably possible and in accordance with GDPR regulations, co-ordinate consultation internally using the council's corporate consultation systems in order to make cost efficiencies;
- Where consultation is not subject to statutory timescales, give people sufficient time to respond to the consultation;
- Make widespread use of electronic and modern media techniques wherever possible to make consultation more cost-effective, easier and quicker. The use of social media also helps us to better reach 'seldom heard' groups such as young people and rural communities. The council's website, Facebook (liveinkirklees) and Twitter (@KirkleesCouncil) will be used to advertise events/stages and host information;
- Ensure that consultation is accessible to all to make it easy for groups or individuals with limited knowledge of the planning policy process to get involved;
- Produce documents that meet accessibility standards and, where possible, make use of plain English. Where we use complex terms these will be explained in a glossary.
- Use consultation methods that are appropriate to the stage of plan making in order to maximise opportunities for involvement, while making sure the resources they require are proportionate and cost-effective;
- Whenever possible, provide feedback to reflect how comments received have been incorporated into the process;
- Where possible ensure that written information can be made available in alternative, accessible formats if requested, such as large print, Braille, audio or translated into another language;
- Evaluate and monitor the effectiveness of consultation.
- Prepare questionnaires and leaflets which summarise the key issues to be addressed or seek views on specific questions. They could also be used to direct interested parties to more detailed documents, evidence or details of events. The questionnaires and leaflets will be available to view online or paper copies

will be made available at Huddersfield Civic Centre 3 and Dewsbury Service Centre and where practicable in other locations in the area where there is a high turnover of visitors. These locations may vary according to the nature and scope of the consultation and will be advertised on the council's website.

### Methods

2.17 The following methods may be used for consultation and engagement. The methods chosen will be tailored to the specific stage and will be proportionate to the importance of the document. Each method has pros and cons, and stating these will help us to decide the best combination of methods. We will work with our corporate communications team to identify the most effective channels of communication. This may include the use of local media by preparing press releases to circulate to local newspapers and radio stations, or working with newspapers to prepare articles or advertisements to raise awareness and promote issues. For example, in the case of neighbourhood plans, the council can assist in publicising a neighbourhood area boundary or a proposed neighbourhood forum through the local press/media.

| We May… | Pro | Con | Things to consider |
|---|---|---|---|
| …share information internally and maximise the use of networks or communication channels used by other services or local community websites where required | This helps us to target consultation more effectively and/or to reach "marginalised groups" or communities; | Targeted consultation may mean a smaller number of responses. Risks associated with keeping several types of personal information about each person to identify groups. | Use to support usual mass communication methods to ensure a wide range of views that are representative. Consider anonymization of sensitive data. |
| …make use of council publications such as Kirklees Together (where timing allows) to include articles. | Kirklees Together is currently distributed quarterly to households across the district so can reach a large number of residents | May not be read by everyone, may be inaccessible for those with disabilities or for whom English is not a first language | Kirklees together website offers a 'Kirklees Talking News' service. A free weekly audio newspaper is available at Kirklees Transcription Service. |
| …make use of social networking sites in accordance with the council's policy on social media: | This is increasingly used by Local Authorities to consult with 'seldom heard' groups, such as young people. | May be inaccessible for those who are uncomfortable or unfamiliar with social media, or those without a good internet connection. Risk of harassment of members of the public using social media to connect with Kirklees Council | Kirklees council social media policy, secure use of personal data, moderation. Cityfibre roll out and digital inclusion activities such as family digital day will make social media an increasingly accessible option so issues with this method will be less pronounced. |
| …make use of interactive workshops or discussion groups with key | They were used to great effect at the early engagement stage of the Local Plan with targeted | May be difficult for those in rural communities to attend, can be costly. | Holding workshops in accessible locations, holding workshops in rural communities, using the opportunity |

| We May… | Pro | Con | Things to consider |
|---|---|---|---|
| stakeholders. This could involve the use of external facilitators. | organisations to debate specific elements of the plan process. | | to make use of diverse range of communication methods to appeal to different ages and abilities. An example would be a model making workshop. |
| …deliver presentations or hold question and answer sessions at meetings of existing groups where resources allow. This could include District Committees. Parish and Town Council meetings, Residents' Associations, Business Groups, interest groups or neighbourhood plan groups and schools/youth parliaments; | Facilitates discussion. Sessions at schools and youth parliaments helps us to reach young people. Kirklees Youth Council has now been running for 10 years and the report 'growing a stronger youth council', was published in October 2019, outlining how Kirklees Council will improve participation in local democracy among young people. | Can be difficult for everyone to be heard if some attendees are able to dominate discussion. Can be intimidating for those who are uncomfortable with confrontation. May be costly. | How such presentations/question and answer sessions can be structured to enable everyone to speak. |
| …make use of posters, flyers or site notices – these may be used to raise awareness of consultation events or meetings or to make residents aware of proposals | Easy to reach many people with one poster or site notice | May be missed if it is placed in an area that isn't used. For example if there is a development proposal on a derelict site | Use of advertising in several places |

| We May… | Pro | Con | Things to consider |
|---|---|---|---|
| that could affect their area. These could be displayed in public places or places where there is a high volume of people; | | | |
| …hold exhibitions or road shows with unmanned displays or staffed drop-in sessions. | Allows people to take in information in an easy to understand way if used correctly, can be used to reach rural communities | Unstaffed exhibitions may mean that questions can't be asked and answered efficiently, staffed exhibitions are costly | Accessibility of locations and the timing of the event. We will produce summary information and frequently asked questions (FAQ's) to inform consultation stages and provide the scope of the event; |
| …hold meetings with elected members – members will be kept informed of progress and plans through briefings, workshops and e-mail. | Elected members can communicate with their communities and have the means and experience to advocate for them. | Indirect form of communication. | Use with a range of other methods. |

## What documents will we consult on?

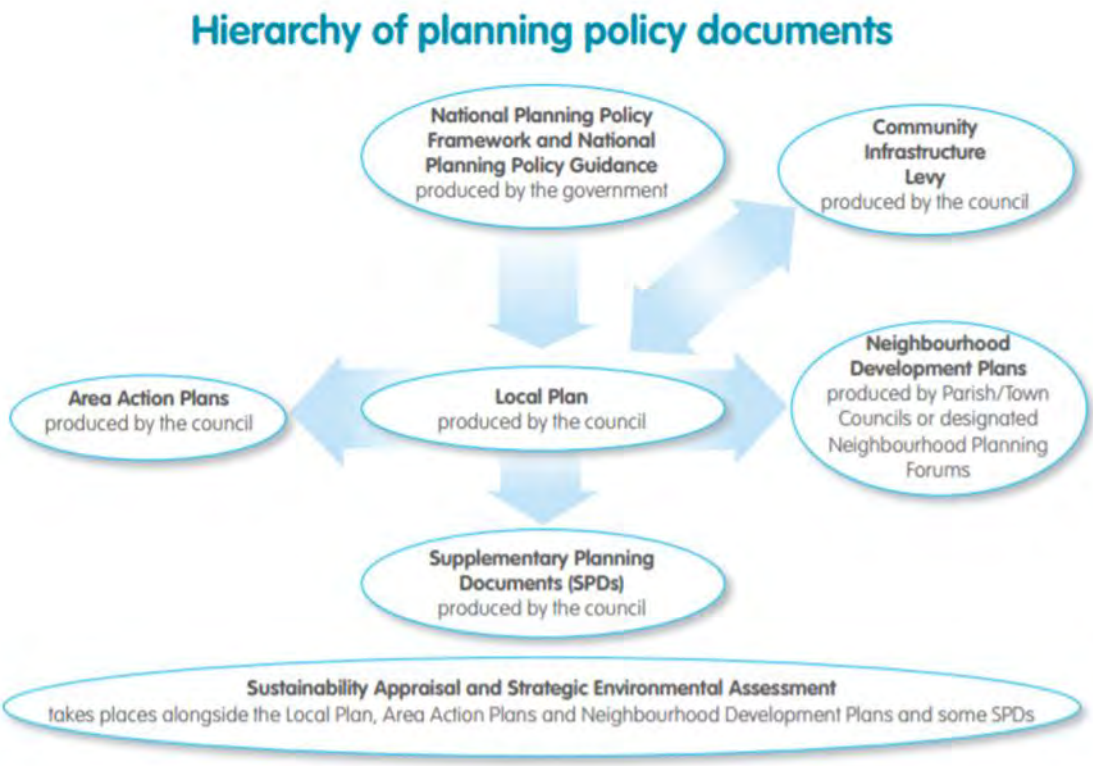


**Figure 1 Relationships of planning policy documents**

*Figure 1 Hierarchy of planning policy documents taken from http://consult.kirklees.gov.uk/events/34328/images/highresRGB/3572784_0_1.pdf*

2.18 The Kirklees Local Plan is the current main planning policy document for Kirklees. The Local Plan was adopted in February 2019, and replaced the 1999 Kirklees Unitary Development Plan. The Local Plan for Kirklees consists of two documents - Strategy and Policies, which covers all of Kirklees, and Allocations and Designations, which covers specific sites identified for certain types of development and areas of land for protection (including a Policies Map showing the spatial representation of these). We are currently monitoring the Local Plan, but we are also producing other planning policy documents which we will consult on as appropriate. Policies in local plans and its spatial development strategy should be reviewed to assess whether they need updating at least once every five years.

2.19 We have set out a timetable for producing planning policy documents. This timetable is known as the Local Development Scheme (LDS) and tells you when documents will be produced and when you can expect to get involved. The LDS contains the key planning policy documents to be consulted on and opportunities for early engagement. This is updated periodically to reflect up to date planning policy priorities. In developing the policy documents, we may also undertake some

consultation which includes targeted workshops on key pieces of evidence. The scope of consultation will vary according to the issues to be debated.

2.20 The following documents are examples of planning policy documents which are/may be identified in the Local Development Scheme for consultation.

### Local Plan

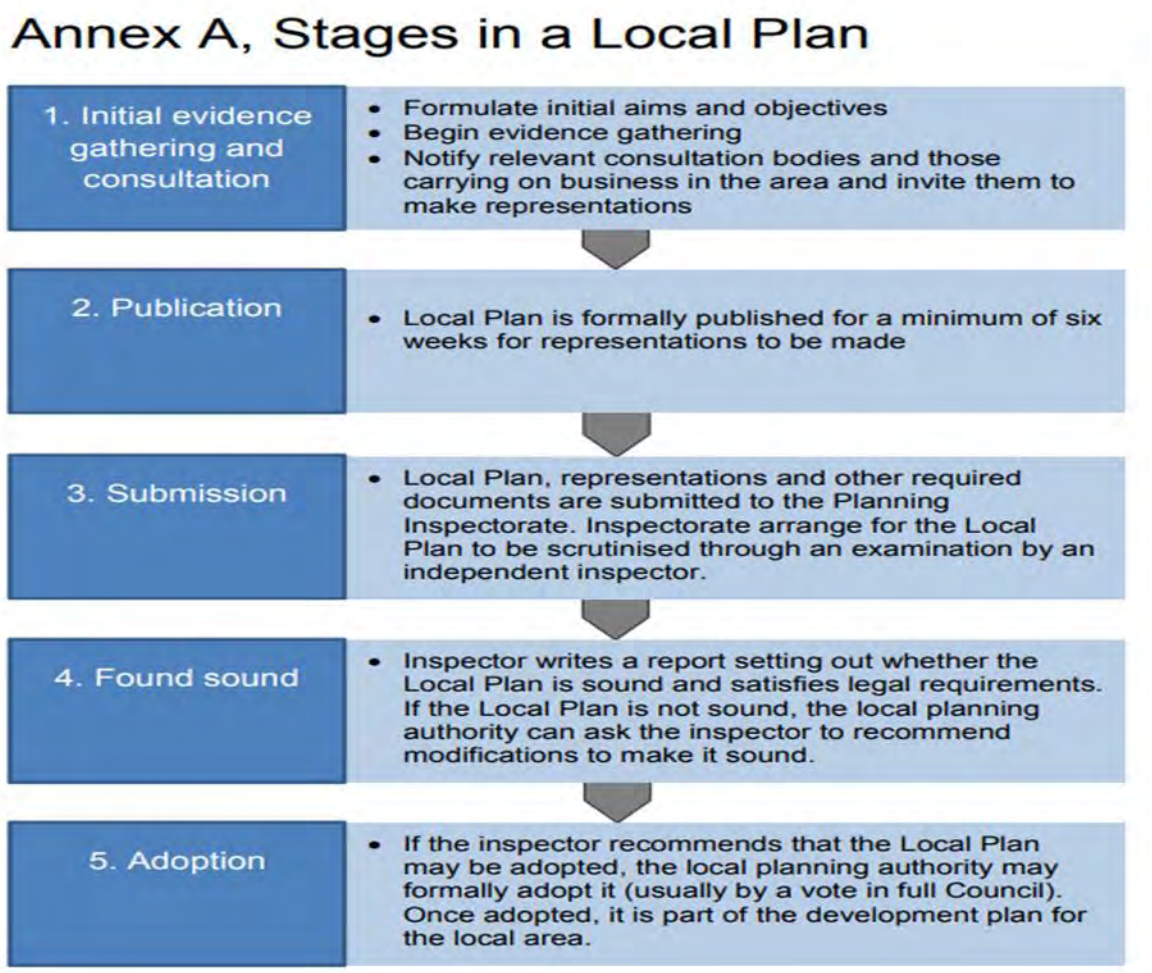


*Figure 2 Stages in a Local Plan. Taken from Plain English Guide to the Planning System ©Department for Communities and Local Government 2015*

2.21 **We are legally required to consult on a Local Plan.** A Local Plan sets out a vision and a framework for the future development of the area. It will address needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. It is a critical tool in guiding decisions about individual development proposals, since Local Plans (together with any neighbourhood plans that have been made) are the starting point for considering whether applications can be approved. It is important for Local Authorities to put an up to date plan in place to positively guide development decisions. Section 19(1B) -

(1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole). A Local Plan can be made up of more than one document, and can potentially be a 'joint' Local Plan if two or more planning authorities agree to produce one together. The current Local Plan (2016-2031) for Kirklees was adopted in February 2019 following the appropriate consultation, and is made up of two documents - strategy and policies, and site allocations. To see how we consulted on the Local Plan, click here.

### Area Action Plans (AAP)

2.22 **We are legally required to consult on an Area Action Plan**. An Area Action Plan (AAP) is a Development Plan Document which provides specific planning policy guidance for an area where significant regeneration or investment needs to be managed. A local authority can have a number of AAPs. They often relate to town centre areas and in all cases have a strong focus on delivery and implementation. There are statutory requirements for consultation but depending on the nature and scope of the AAP, we would seek to identify additional opportunities to engage with interested stakeholders in its preparation.

| Stage | Actions |
|---|---|
| Early Engagement on issues and options | Asking for the views of members of the public on the direction of the AAP |
| Preferred Options | The council identifies and publishes 'preferred options', informed by initial engagement. We will engage with the public again at this stage |
| Submission Document | A draft of the AAP to be submitted to the Secretary of State to be independently examined |
| Examination of the Submission Document | An independent Planning Inspector (appointed by the Secretary of State) considers the 'soundness' of the AAP by examining both the document and the associated engagement undertaken and produces a report setting out any changes needed. |
| Adoption | The Planning Inspector will determine whether the Area Action Plan can become part of planning policy. The decision to adopt the Area Action Plan would be taken by Council |

### Supplementary Planning Documents (SPD)

2.23 **We are legally required to consult on Supplementary Planning Documents.** These documents focus on specific topics or areas in greater detail, providing policy

guidance to support the Local Plan policies. Once produced, an SPD is a 'material consideration' in planning matters and can be an important means of ensuring the right development occurs. Examples of SPDs that can be produced are design, affordable housing, and development standards.

The statutory procedural stages for making a Local Plan and Supplementary Planning Documents are different - an SPD must be consulted on, but is not subject to an independent examination in public. Regulations for SPD's are contained in: Town and Country Planning (Local Planning) (England) Regulations 2012 part 5. You can view our current adopted SPD's here.

| SPD Stage | Actions |
|---|---|
| Research and initial engagement | Research on the topic or area using national and local data, seeking the views of the public |
| Consultation Draft | A draft is produced which the Council will seek views on from the public. This consultation will be 4-6 weeks. |
| Consideration of representations | Consultation responses are collected and a record of any changes recommended is kept internally |
| Final Draft | Any changes that need to be made are made and the SPD is produced |
| Adoption | Following an adoption process (cabinet), the SPD would become part of planning policy, and would be a 'material consideration' in determining planning applications |

### Masterplans, Development Frameworks or Briefs

2.24 These documents relate to individual site allocations and set out the specific details required at a planning application stage. There is no statutory process for preparing these documents but we will consult and engage on them to increase awareness of planning issues and involve the community.

### Sustainability Appraisal and Strategic Environmental Assessment

2.25 **There are three statutory consultees on Sustainability Appraisal: Environment Agency, Historic England and Natural England.** Sustainability Appraisal is a processes which evaluates the environmental, social and economic impacts of a plan, policy or programme and its reasonable alternatives. A strategic environmental assessment only considers the environmental effects of a plan, so is usually not required if a sustainability appraisal has been completed. Both take place alongside the Local Plan/DPDs and some SPDs and can be found with the relevant document on our

website. The first stage of the sustainability process is to produce a Scoping Report to find out whether a further, more detailed, assessment is required.

### Community Infrastructure Levy (CIL)

2.26 The charging authority (Kirklees Council) prepares and publishes a draft charging schedule for consultation. This is a charge that is levied on new development floor space and is intended to contribute towards the provision of infrastructure. This includes district-wide needs such as highway improvements, schools, flood defences, and open space which is not directly related to the development being levied. Community Infrastructure Levy is produced by the council. Local authorities must allocate at least 15% of levy receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This 15% will be administered by Parish and Town Councils where they exist. Communities which draw up a neighbourhood plan or neighbourhood development order and secure the consent of local people in a referendum will benefit from 25% of the levy revenues arising from development taking place in their area. You can view up to date information about Kirklees CIL here.

## Neighbourhood Plans

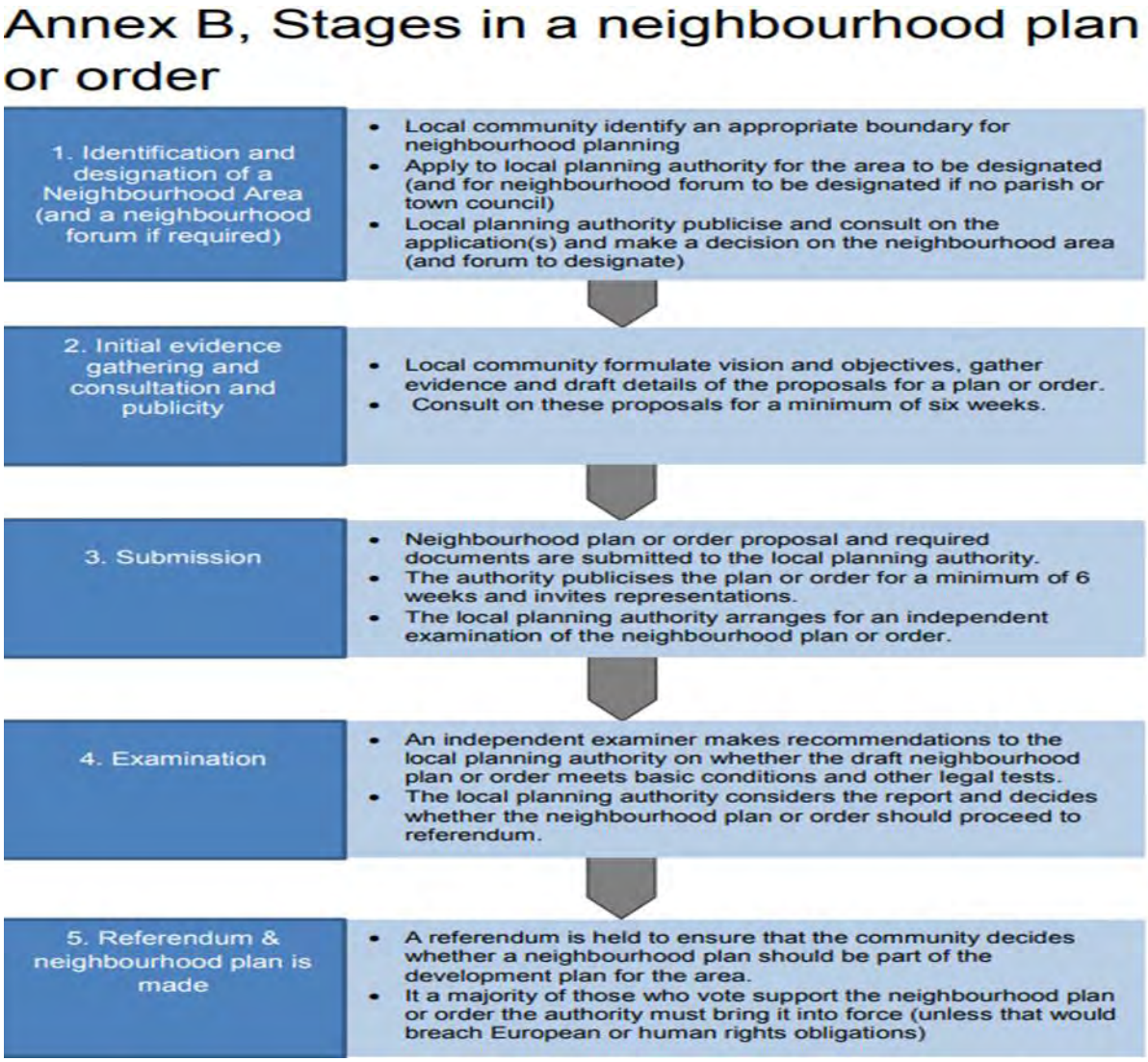


*Figure 3 Stages in a Neighbourhood Plan or order. Taken from Plain English Guide to the Planning System. © Department for Communities and Local Government 2015*

2.27 **Neighbourhood Planning groups must consult on their Neighbourhood Plans and Neighbourhood Plans are subject to a referendum.** Neighbourhood plans are produced by the Parish/Town Council or a designated Neighbourhood Planning Forum (where a Parish/Town Council does not exist) to develop a shared vision for their neighbourhood and shape the development and growth within the local area. They are subject to a statutory process and must be in conformity with the strategic policies in the Local Plan and have regard to national planning policy. Following examination by an independent examiner and a favourable vote in a referendum they are adopted by the council and form part of the development plan. As such they have significant weight in determining planning applications. The council has statutory duties to publicise the neighbourhood plan at specified stages. However, it is the role of the neighbourhood plan responsible body to ensure that the plan is representative and shaped by consultation. How and when this is undertaken is

decided by the neighbourhood planning body. More information about how Kirklees Council supports Neighbourhood Plans can be found in Section 3.

### When will we consult and what is the process?

2.28 Consultation 'fatigue' can happen when consultation is repeated too often, or when communities are consulted on too many things at the same time. In order to prevent this, the council uses its own 'involve' online system to co-ordinate consultation across the council, and those conducting consultation across the council regularly meet through the Citizen Engagement Reference Group to co-ordinate activities and outcomes.

**Process of consultation**

| Stage of consultation | At what stage of document production | Reason |
|---|---|---|
| Early Engagement | Before any detailed work is done | To identify key issues to be dealt with in planning documents, and ideas and aspirations of the community |
| Consultation | On a draft document – this may need to be done several times, e.g. for modifications | To get input on a draft and identify any issues |
| Analysis | Once consultation has closed. This will need to be done after any consultation | To identify common themes in responses and make necessary amendments |
| Final Draft | Once the document is ready. The appropriate consultation will need to have been completed, analysed and responded to | To create a document that is informed by views from the local community and stakeholders, but with the Local Authority having ultimate responsibility. Consultation responses form part of the evidence base to support a planning document. Local Plans must be 'justified' with evidence to be considered 'sound' |
| Consultation Statement | Must be published alongside DPDs and SPDs | To inform the public on how the document was consulted on and how consultation informed the document |
| Adoption | The document is approved by the council and now forms part of the planning policy for | To shape how the area looks according to up-to-date evidence and informed by consultation. New policy |

| Stage of consultation | At what stage of document production | Reason |
|---|---|---|
| | the area until it is replaced by new policy. | is needed when existing policy is out-of-date, or circumstances make existing policy inadequate. The process begins again at this point. |

### Feedback

2.29 A feedback report will usually be produced documenting the level and nature of comments made and how comments have been used to inform the next stage of the planning policy document or process. This will be available alongside the relevant document consulted on under the title 'Consultation Statement', 'Statement of Consultation', or similar. There are some exceptions to the publication of comments – where a comment is abusive, defamatory, obscene or discriminatory it will not be published at all. A consultation statement will also set out how the document has been changed, where necessary, to address issues raised. In the case of the Local Plan, as part of determining the soundness of the plan at Examination, the council needed to provide an audit trail of how views have shaped the document. In some cases, the council may identify specific modifications to a plan which may then be subject to further consultation. Information will be available on the council's website.

## Section 3 Neighbourhood Planning

### Introduction – Getting started

3.1 Neighbourhood planning is a way for communities to help shape development in their local area. A neighbourhood plan can be produced by a Parish/Town Council, or by a designated neighbourhood forum. There are some requirements for forming a Neighbourhood Forum, which must be at least 21 people and effort must be made to ensure that members are drawn from different places in the area and different sections of the community. More information on how to form a Neighbourhood Forum can be found here.

3.2 Neighbourhood plans once made will form part of the council's statutory development plan. See here for current Neighbourhood Plan areas in Kirklees and their current progress

### Our relationship with neighbourhood planning groups

3.3 When working with Neighbourhood Planning groups, the council will seek to cultivate an open and constructive working relationship in which both parties:

- Work closely at all levels, to develop a neighbourhood plan that is reflective of the communities issues whilst in conformity with the council's Local Plan strategic policies;
- Respect each other's views, and ensure proper understanding of any differences that arise;
- Have a 'no surprises' policy, based on notifying each other, where possible, of significant announcements and developments in policy well in advance;
- Minimise duplication of activity wherever possible;
- Inform other stakeholders about our relationship to reduce any uncertainty.

3.4 The council will ensure it complies with its duties under the Neighbourhood Planning (General) Regulations 2012.

- Confirm that the draft plan meets the criteria in the Localism Act (Regulation 15) – within 8 weeks following submission to the Council;
- Publicise the submission plan and other relevant documentation (Regulation 16) - within 6 weeks of receiving the submission documents which meet the criteria and;
- Pass on representations to the Independent Examiner within 2 weeks of the close of the consultation period (Regulation 17);
- Appoint a suitable examiner in agreement with the Parish Council or Neighbourhood forum and submit the draft plan, supporting documents to the Independent Examiner Regulation 17) – within 6 weeks of close of pre-submission publicity period;
- Consideration of the recommendations in the Examiners' Report that the draft plan meets the basic conditions and publication of a 'Decision Statement' (Regulation 18/19) – within 5 weeks following the receipt of the inspectors report;
- Make arrangements including the setting of a date for the holding of the referendum – a soon as possible after the publication of the decision statement;
- Making of the plan (Regulation 19/20) within 8 weeks following a positive referendum vote.

3.4 The council will provide the following support and advice in the Neighbourhood Plan process:

- Provide on its website a dedicated neighbourhood planning web page with guidance notes;
- Provide a named officer as first point of contact for advice and technical support;
- Background Data and Evidence.

3.5 At the request of the Neighbourhood Planning Group, the Support Officer will provide and/or direct to the appropriate source:

- The Local Plan Evidence Base and access to the relevant base data;
- Links to relevant research data;
- OS base maps for the area;
- Maps showing constraints data;
- Up to date information on any grant funding available;
- Other appropriate data the council holds;
- Professional advice and assistance.
- Conformity advice with Kirklees Adopted Local Plan and other Kirklees DPDs;
- Comments on emerging draft Plans;
- Digitising of final proposals maps.

3.6 Provide advice and support in relation to:

- Conformity of the plan and whether in their view it meets the basic conditions;
- Suitability of the consultation statement;
- Suitability of any environmental assessment or habitats regulations assessments undertaken;
- Conformity with other legislative requirements;
- OS mapping requirements.

3.7 Note: Kirklees Council is bound by The General Data Protection Regulation (EU) 2016/679 (GDPR) and other relevant legislation in terms of release of information. Provision of information with regard to the Local Plan is restrained to that which is in the public domain at any time.

3.8 The council will not offer advice or assistance in the following areas:

- Writing documents.

- Undertaking survey work.
- Attending every meeting.
- Attending every consultation event.
- Direct financial support.

3.9 In return, we expect Neighbourhood Planning groups to:

- Establish a steering group to develop the Neighbourhood Development Plan with clear terms of reference;
- Arrange an initial meeting to which the named Council support officer can attend and advise the steering group;
- Undertake to work towards preparation of a Neighbourhood Development Plan with a defined project management approach, work programme and timetable to delivery;
- Convene as a group on a regular basis throughout the period of preparation of the Neighbourhood Development Plan and its examination;
- Conduct their own public consultation where necessary;
- Commit adequate resources to the task.
- Provide regular updates on progress against the project plan to the council via the named officer;
- Provide to the council the Draft Submission Plan in electronic format;
- Provide results of primary source data which would be helpful to the Council.

### Making of the Neighbourhood Plan

3.10 As a form of Development Plan Document, Neighbourhood plans are subject to consultation and independent examination and must meet the requirements to be found 'sound'. The council can provide some support on this, but much of the work of a Neighbourhood Plan is the responsibility of the Neighbourhood Planning Group as set out above.

The final stage is to hold a referendum on the neighbourhood plan in the designated neighbourhood area, which the council is responsible for arranging. The plan is made within 8 weeks if more than 50% of voters support the Neighbourhood Plan, except in very special circumstances where the council judges that the Neighbourhood Plan is in breach of certain laws.

### Other Ways to shape development in your area

3.11 A Community does not have to produce a Neighbourhood Plan in order to shape development in their area. There are other opportunities for community involvement in planning, like a Neighbourhood Development Order (more information from central government's Planning Practice Guidance) a Community Right to Build (more information from Planning Portal), or a Community Right to Bid (more information from locality).

### Further information

4.1 If you have any questions on the information contained in this document, please contact us at:

E-mail: local.development@kirklees.gov.uk

Postal Address:

Planning Policy Group

PO Box B93

Civic Centre 3

Off Market Street

Huddersfield

HD1 2JR

4.2 Planning Aid England is an independent advice service run by volunteers who are qualified planners. It is part of the Royal Town Planning Institute and aims to make planning accessible to all. Their online advice service, planning aid direct, is available here.

4.3 Locality is a charity that provides information and support for local communities on areas including Neighbourhood Planning.

## GLOSSARY

**Adoption** – The stage at which the development plan/Local Plan becomes the legal basis for all future planning decisions in the district?

**Development Plan Documents (DPD)** – Documents prepared by the local planning authority (including the Local Plan) setting out the main spatial strategy, policies and proposals for the area. These documents will be statutory documents and subject to an independent examination by an Inspector. They will undergo rigorous procedures of community involvement and consultation. DPDs must be consistent with and have regard to national planning policy.

**Duty to Cooperate** – Created by the Localism Act 2011. It places a legal duty on the Council to engage constructively, actively and on an ongoing basis with certain specified bodies to maximise the effectiveness of Local Plan preparation relating to strategic cross boundary matters.

**Examination** – The purpose of the Examination is to consider if the development plan is sound. The majority of representations made at Examination will usually be written representations. However, in some instances a Planning Inspector may allow representations to be examined by way of oral hearings, for example round table discussions, informal hearing sessions and formal hearing sessions.

**General Consultation Bodies** – Organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. They include bodies which represent the interests of different racial, ethnic, religious or national groups, disabled persons and business in the local planning authority's area.

**Local Development Document (LDD)** – The collective term covering Development Plan Documents and Supplementary Planning Documents.

**Local Development Scheme (LDS)** – A three year project plan outlining the Councils programme for preparing the Local Plan.

**Local Plan** – Collective term for the Development Plan Documents that set out the spatial vision and strategy for the District including policies and proposals. The Local Plan is a key part of the development plan.

**Marginalised groups** – Groups of people or organisations within the community who hold a 'protected characteristic', or are otherwise disadvantaged. They include older people, young people, disabled people, and religious and ethnic minority groups. There is some overlap between marginalised groups and the 'seldom heard', but the two are not fully interchangeable.

**National Planning Policy Framework (NPPF)** – It sets out the government's national planning requirements, policies and objectives.

**Neighbourhood Development Plan (NDP)** – A plan for the neighbourhood area which is prepared by an authorised community group. The plan must be in general agreement with the overall plan for the local authority area and can include general planning policies and allocations for new development.

**'Seldom heard' groups** – Sometimes also referred to as 'hard to reach' which is used less frequently as it implies that this a shortcoming of these groups rather than an issue with consultors. These are groups who are not engaged with consultation, for various reasons including language, ability or social or geographical barriers. There is some overlap between 'seldom heard' groups and marginalised groups but the terms are not fully interchangeable.

**Specific Consultation Bodies** – Organisations defined by The Town and Country Planning (Local Planning) (England) Regulations 2012 that are required to be consulted at key stages of plan production. They include neighbouring and parish councils, key service providers, Government departments and non-government organisations.

**Stakeholders** – A person or organisation with an interest or concern in something. Statement of Community Involvement (SCI) – Outlines the approach of the council to involving the community in preparing the Local Plan and planning policy documents.

**Supplementary Planning Documents (SPD)** – Documents that expand on policies and proposals in Development Plan Documents.

**Sustainability Appraisal (SA)** – An appraisal of the social, economic and environmental implications of a strategy, policies and proposals. The SA seeks to ensure that proposals contribute to the achievement of sustainable development.

**Tests of Soundness** – The tests outlined in the National Planning Policy Framework that DPDs are judged against.

## Appendix 1

## Statutory consultees

Barnsley MC Planning and Transportation Service

Bradford MC Department of Transportation, Design

British Telecom

Calderdale and Huddersfield NHS Foundation Trust

Calderdale MBC

Cawthorne Parish Council

City of Wakefield Metropolitan District Council

Denby Dale Parish Council

Dunford Parish Council

Environment Agency

Gunthwaite and Ingbirchworth Parish Council

High Hoyland Parish Council

High Peak Borough Council

Highways Agency

Historic England

Holme Valley Parish Council

Homes and Communities Agency

Kirkburton Parish Council

Leeds City Council (Planning and Development services)

Meltham Town Council

Mid Yorkshire Hospitals NHS Trust

Mirfield Town Council

Mobile Operators Association

National Grid

Natural England

Network Rail

NHS Property Services

North Kirklees Primary Care Trust

Northern Gas Network

Oldham MBC Strategic Planning and information

Peak District National Park Authority

Ripponden Parish Council

Saddleworth Parish Council

Sitlington Parish Council

South West Yorkshire Foundation Trust

The Coal Authority

Tintwistle Parish Council

West Bretton Parish Council

West Yorkshire Police Authority

West Yorkshire Police Estates

West Yorkshire Police Traffic Support

West Yorkshire Strategic Health Authority

Yorkshire Water

Yorkshire Water Services Ltd