



# The Planning Inspectorate

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Georgina McGough  
Strategic Planning and Information  
Regeneration Department  
Oldham MBC  
PO Box 452  
Oldham  
OL1 1WR

Your Ref:

Our Ref: LDF485

Date: 30 January 2007

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Dear Georgina

## **OLDHAM METROPOLITAN BOROUGH COUNCIL STATEMENT OF COMMUNITY INVOLVEMENT EXAMINATION – INSPECTOR’S REPORT**

I am pleased to enclose two copies of the final report prepared by Inspector David Robins BA PhD FRTPI following the written representations examination to consider the soundness of Oldham Metropolitan Borough Council Statement of Community Involvement.

The Inspector has amended the report where necessary.

This report is binding upon the Local Planning Authority and gives specific recommendations as to how the Statement of Community Involvement must be changed. I would be grateful if you could notify the Inspectorate beforehand of the date on which the Inspector's final report is to be published. I also welcome, in due course, 2 copies of the adopted Statement of Community Involvement.

Yours sincerely,

Bartosz Bartkowiak  
Local Developments Framework Team



**INSPECTOR'S REPORT**  
**OLDHAM METROPOLITAN BOROUGH COUNCIL**  
**STATEMENT OF COMMUNITY INVOLVEMENT**

Inspector: David Robins BA PhD FRTPI

Date: 17 January 2007

## **Oldham Metropolitan Borough Council Statement of Community Involvement (September 2006)**

### **INSPECTOR'S REPORT**

#### **Introduction**

- 1.1 An independent examination of the Oldham Metropolitan Borough Council's Statement of Community Involvement (SCI) has been carried out in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (the Act), as applied by s18(4) of the Act.
- 1.2 Section 20(5) indicates the two purposes of the independent examination in parts (a) and (b). With regard to part (a) I am satisfied that the SCI satisfies the requirements of the relevant sections of the Act, in particular that its preparation has accorded with the Local Development Scheme as required by s19(1) of the Act.
- 1.3 Part (b) is whether the SCI is sound. Following paragraph 3.10 of Planning Policy Statement 12: Local Development Frameworks, the examination has been based on the 9 tests set out (see Appendix A). The starting point for the assessment is that the SCI is sound. Accordingly changes are made in this binding report only where there is clear need in the light of tests in PPS12.
- 1.4 A total of 20 representations were received, all of which have been considered. Further information was requested from the Council in relation to Test iv and this information is contained in Appendix B to this Report.

#### **Test 1**

- 2.1 The Council has undertaken the consultation required under Regulations 25, 26 and 28 of the Town and Country Planning (Local Development) (England) Regulations 2004,
- 2.2 This test is met.

#### **Test 2**

- 3.1 Paragraphs 3.9 – 3.11 acknowledge that the Local Development Framework (LDF) is a way of delivering the aims of the Community Strategy and states that the Council will work with the Oldham Partnership (whose structure is detailed in paragraphs 3.12 – 3.21) to make sure that the contents of the two documents are closely aligned. The SCI also makes reference to other community strategies (Paragraph 3.28), such as the Community Engagement

Framework and states that consideration will be given to how these will be linked in terms of objectives and consultation.

3.2 This test is met.

### **Test 3**

4.1 The Council has set out in Appendix 2 of the SCI those groups which will be consulted. This list includes the statutory bodies from PPS12 Annex E. It is stated at Paragraphs 4.32 – 4.34 of the SCI that the Council holds a mailing list of consultee details and that this will be updated as necessary. Information on how to be added to this list is given in Appendix 4 of the SCI. Furthermore, the Council state in Appendix 2 that they will consult with additional local stakeholders where appropriate.

4.2 The re-organisation of certain consultation bodies, such as the Strategic Rail Authority, should be acknowledged in the SCI and I recommend an additional sentence be added to this effect.

**(R1)** Insert the following to the beginning of Appendix 2:

"Please note, this list is not exhaustive and also relates to successor bodies where re-organisations occur."

Additionally, replace 'Strategic Rail Authority' with "Network Rail" and 'English Nature' and the 'Countryside Agency' with "Natural England".

4.3 Subject to the recommendation above, this test is met.

### **Test 4**

5.1 Section 4 and also Tables 1-3 of the SCI show that the Council will involve and inform people from the early stages of Local Development Document (LDD) preparation and Table 2 sets out the range of methods the Council will employ to do this. The Council clarify in Table 3, read in conjunction with Table 1, the stages at which consultation will take place and who will be consulted at those stages. It shows that consultation will take place with the key stakeholders during the issues and options stage of Development Plan Document (DPD) production in accordance with Regulation 25.

5.2 However, the submission SCI made insufficient reference to a key stage in the Development Plan Document process if the document is concerned with allocations of land. The Council were asked to rectify this omission by the provision of a new paragraph that deals with this issue and to also amend Figure 4 and Table 3 so that this stage of the process is taken into account and I recommend that their response be inserted into the SCI.

**(R2)** Insert the following text as a new paragraph after Paragraph 4.5:

“Additional consultation will be undertaken if alternative sites are proposed after the six-week consultation referred to in paragraph 4.5 above for any Site-specific Allocations of Land Development Plan Document, as required by Regulation 32 of the Town and Country Planning (Local Development) (England) Regulations 2004. This additional consultation will involve the following:

- Details of the alternative site representations will be made available for inspection;
- Representations will be invited on these alternative sites;
- A notice will be prepared detailing the six-week period in which representations can be made and to whom they should be sent;
  
- A statement will be prepared indicating the venues and times where the alternative site allocation representations can be viewed;
  
- Details of all the above will be made available on the Council’s website, at the Civic Centre and public libraries, and any other venues where the original consultation documents were also made available;
  
- Details of the alternative site representations, and the notice and statement will be sent to the “specific”, “general” and “other” consultees;
  
- Individuals and organisations on the LDF mailing list will be notified about the additional consultation period;
  
- An advertisement will be placed in a local newspaper with details of the new six-week period in which representations on the alternative sites can be made, to whom any representations should be sent, and where and when the alternative site representations can be viewed.”

**(R3)** Replace the submission version of Figure 4 with that given in Appendix B to this report.

**(R4)** Replace the submission version of Table 3 with that given in Appendix B to this report.

5.3 There is an error in Figure 2 of the submission SCI as this figure indicates that the consultations under Regulation 25 and 26 run concurrently. The Council were asked to amend Figure 2 to make it clear that Regulation 25 and Regulation 26 are two discrete periods of consultation and I recommend accordingly.

**(R5)** Replace the submission version of Figure 2 with that given in Appendix B to this report.

5.4 As a result of these amendments, I am satisfied that providing these stages are followed the consultation proposed will be undertaken in a timely and accessible manner.

5.5 Subject to the recommendations above, this test is met.

### **Test 5**

6.1 Paragraphs 4.35 – 4.38 set out the methods that the Council propose to use to involve the community and stakeholders. These cover a range of recognised consultation techniques that will present information via a range of different media. The Council acknowledge the benefits of the different methods in Table 1 and indicate in Table 3 at what stages of LDD preparation the various methods might be employed.

6.2 The SCI acknowledges at Paragraphs 4.27 – 4.31 that the Council may have to provide extra support to facilitate consultation with certain groups or individuals, and proposes at Paragraphs 4.28 – 4.29 how they might do this. Paragraph 4.29 explains how the Council will make their information accessible to all members of society, and sets out how they will meet requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995.

6.3 I am satisfied that the methods of consultation proposed in the SCI are suitable for the intended audiences and for the different stages in LDD preparation.

6.4 This test is met.

### **Test 6.**

7.1 Section 8 of the SCI explains how the Council will seek to ensure that sufficient resources are put in place to achieve the scale of consultation envisaged. I am satisfied that the Council is alert to the resource implications of the SCI.

7.2 This test is met.

### **Test 7**

8.1 Section 5 of the SCI explains how the results of community involvement will be taken into account by the Council and used to inform decisions. The Council also propose to prepare reports at the end of the consultation period explaining how views have been considered and documents changed in light of the community involvement. The SCI states in Paragraph 5.3 where these will be made publicly available.

8.2 This test is met.

### **Test 8**

9.1 Section 9 of the SCI explains that the Council continuously monitors and reviews all consultation documents and that the SCI will be formally reviewed as part of this process and reported on through the Annual Monitoring Report.

9.2 I am satisfied that the Council has mechanisms for reviewing the SCI and have identified potential triggers for the review of the SCI.

9.3 This test is met.

### **Test 9**

10.1 Section 6 of the SCI describes the Council's policy for consultation on planning applications. Paragraphs 6.9 – 6.23 meet the minimum requirements and provide details of additional methods of consultation. This section also distinguishes between procedures appropriate to different types and scale of application.

10.2 The SCI does not adequately deal with the question of how the results of consultation will be reported and how the results will be used to inform the decision making process, and I recommend a change to rectify this.

**(R6)** Insert the following to the end of Paragraph 6.35:

"The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council."

10.3 The SCI does not address the longer statutory time period for consultation that may be applicable in certain circumstances, and I recommend a change to acknowledge this.

**(R7)** Insert the following after the fourth sentence of Paragraph 6.9:

"However, bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed by legislation."

10.4 Subject to the recommendations above, this test is met.

### **Conclusions**

11.1 The Council have set out a schedule of changes to the submission document to correct text that would become redundant once the document is adopted and I therefore agree that these changes be included.

**(R8)** Implement the editorial changes proposed in Appendix B to this report.

- 11.2 In the event of any doubt, please note that I am content for such matters as any minor spelling, grammatical or factual matters to be amended by the Council, so long as this does not affect the substance of the SCI.
- 11.3 Subject to the implementation of the recommendations set out in this Report, the Oldham Metropolitan Borough Council SCI (September 2006) is sound.

INSPECTOR

*David Robins*

David Robins BA PhD FRTPI



**APPENDIX A**  
**TESTS OF SOUNDNESS**

### **Examination of the soundness of the statement of community involvement**

3.10 The purpose of the examination is to consider the soundness of the statement of community involvement. The presumption will be that the statement of community involvement is sound unless it is shown to be otherwise as a result of evidence considered at the examination. A hearing will only be necessary where one or more of those making representations wish to be heard (see Annex D). In assessing whether the statement of community involvement is sound, the inspector will determine whether the:

- i. local planning authority has complied with the minimum requirements for consultation as set out in Regulations;<sup>1</sup>
- ii. local planning authority's strategy for community involvement links with other community involvement initiatives e.g. the community strategy;
- iii. statement identifies in general terms which local community groups and other bodies will be consulted;
- iv. statement identifies how the community and other bodies can be involved in a timely and accessible manner;
- v. methods of consultation to be employed are suitable for the intended audience and for the different stages in the preparation of local development documents;
- vi. resources are available to manage community involvement effectively;
- vii. statement shows how the results of community involvement will be fed into the preparation of development plan documents and supplementary planning documents;
- viii. authority has mechanisms for reviewing the statement of community involvement; and
- ix. statement clearly describes the planning authority's policy for consultation on planning applications.

*From:* Planning Policy Statement 12: Local Development Frameworks

<sup>1</sup> The Town and Country Planning (Local Development) (England) Regulations, 2004.

**APPENDIX B**  
**CORRESPONDENCE**



# The Planning Inspectorate

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Georgina McGough  
Strategic Planning and Information  
Regeneration Department  
Oldham MBC  
PO Box 452  
Oldham  
OL1 1WR

Your Ref:

Our Ref: PINS/W4223/429/3

Date: 6<sup>th</sup> December 2006

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## OLDHAM METROPOLITAN BOROUGH COUNCIL - STATEMENT OF COMMUNITY INVOLVEMENT

Dear Ms. McGough,

As the appointed Inspector for your Authority's Statement of Community Involvement I am requesting comments from the Council on the following points in order to assist in assessing the soundness of Oldham Metropolitan Borough Council's Statement of Community Involvement.

### Test iv

The submission SCI made only one reference to the alternate sites stage in the DPD process if the document is concerned with allocations of land (Regulations 32 and 33). Could the Council, therefore, provide the following?

- 1). A brief paragraph, to be positioned after Paragraph 4.5, that details the process.
- 2). An amended Figure 4 that takes this stage into account.
- 3). An amended Table 3 that takes this stage into account.

Additionally as Figure 2 in the submission document indicates that Regulation 25 and 26 are a concurrent stage, could the Council amend this figure so that it is clear that Regulation 25 and Regulation 26 are discrete stages of consultation?

### Editorial Changes

As there are areas of the SCI that contain text that will become redundant once the document is adopted could the Council please provide a schedule of editorial changes to remove/amend such text?

These answers are to assist in the production of a binding report. Once you have submitted your response to these questions, the report will be produced as quickly as possible. Please reply to Steve Carnaby whose details are given above. Thank you for your assistance in this matter.

Yours sincerely,

*Keith Holland*

Keith Holland BA(Hons) Dip TP MRTPI ARICS



## *Regeneration Department*

Steve Carnaby  
The Planning Inspectorate  
Room 3/25 Hawk Wing  
Temple Quay House  
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BS1 1WR

Your Ref: PINS/W4223/429/3  
Our Ref:  
Please ask for: Georgina McGough  
Direct Line: 0161 911 4139  
Fax No: 0161 911 5172  
Date: 11<sup>th</sup> December 2006

Email:  
Georgina.McGough@oldham.gov.uk

Dear Mr Carnaby,

### **SUBJECT: Oldham MBC Statement of Community Involvement**

Thank you for the letter dated 6 December 2006 requiring assistance on a range of technical matters to assist with the independent examination of the SCI.

The matters raised have been addressed in the order raised in the letter. The amended figures/diagrams are attached as separate files.

I presume that if these technical changes are considered to be acceptable by Mr Holland that he will include the actual wording and/or amended figures/diagrams as part of his formal recommendations in his Report rather than making reference to this document.

Brief paragraph to be positioned after paragraph 4.5 that relates to Regulation 32 processes:

“Additional consultation will be undertaken if alternative sites are proposed after the six-week consultation referred to in paragraph 4.5 above for any Site-specific Allocations of Land Development Plan Document, as required by Regulation 32 of the Town and Country Planning (Local Development) (England) Regulations 2004. This additional consultation will involve the following:

- Details of the alternative site representations will be made available for inspection;
- Representations will be invited on these alternative sites;
- A notice will be prepared detailing the six-week period in which representations can be made and to whom they should be sent;
- A statement will be prepared indicating the venues and times where the alternative site allocation representations can be viewed;
- Details of all the above will be made available on the Council's website, at the Civic Centre and public libraries, and any other venues where the original consultation documents were also made available;
- Details of the alternative site representations, and the notice and statement will be sent to the “specific”, “general” and “other” consultees;
- Individuals and organisations on the LDF mailing list will be notified about the additional consultation period;



## *Regeneration Department*

- An advertisement will be placed in a local newspaper with details of the new six-week period in which representations on the alternative sites can be made, to whom any representations should be sent, and where and when the alternative site representations can be viewed.”

### Technical Editorial Changes

- Title Page – **Delete** “Regulation 28 Submission Statement of Community Involvement” and **replace** with “Adopted Statement of Community Involvement”.
- Inside front cover – **Delete** sub-title “Regulation 28 Submission Statement of Community Involvement”
- Inside front cover – Delete paragraphs 4 to 8 inclusive.
- Inside front cover – paragraph 9 – **delete** “Submission”
- **Replace** three sets of translations text with new text to reflect amended wording on inside front cover. (OMBC to provide this text upon receipt of Inspector’s report)
- Paragraph 2.6 - **Replace** with following:  
A Draft Statement of Community Involvement (the “Pre-Submission” document) was published for consultation for six-weeks during the period April-June 2006. The Statement of Community Involvement was submitted to the Secretary of State for independent examination in September 2006 (the “Submission” document), which was followed by a six-week consultation period during September-November 2006. Following the independent examination, the Inspector produced a report that included binding recommendations. The Statement of Community Involvement was amended to incorporate the Inspector’s recommendations. The Statement of Community Involvement has now been adopted as Council policy. This document is the adopted Statement of Community Involvement.
- Paragraph 2.7 - Amend opening sentence by **deleting** “Submission”. Also in opening sentence **replace** “will be” with “was”. In second sentence **replace** “will take” with “took”.
- Paragraph 2.8 – **Replace** “will” with “were”. **Delete** “be”
- Paragraph 2.9 – In opening sentence **replace** “ will produce” with “produced”. In second sentence **replace** “will be” with “was”
- Paragraph 2.11 – **Replace** “Once the Council has adopted the Statement of Community Involvement,..” with “Now that the Statement of Community Involvement has been adopted...”



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## *Regeneration Department*

- Paragraph 4.30 – **Delete** “...in this Submission Statement of Community Involvement (Regulation 28 stage) from those in the Draft Statement of Community Involvement (Regulation 26 stage)...” and **replace with** “between the Regulations 26 and 28 consultation stages and this adopted Statement of Community Involvement...”
- Following request for a new paragraph after existing paragraph 4.5 (see above), then all subsequent paragraphs in Section 4 will need to be re-numbered sequentially.

Kind regards,

Georgina McGough  
Strategic Planning and Information

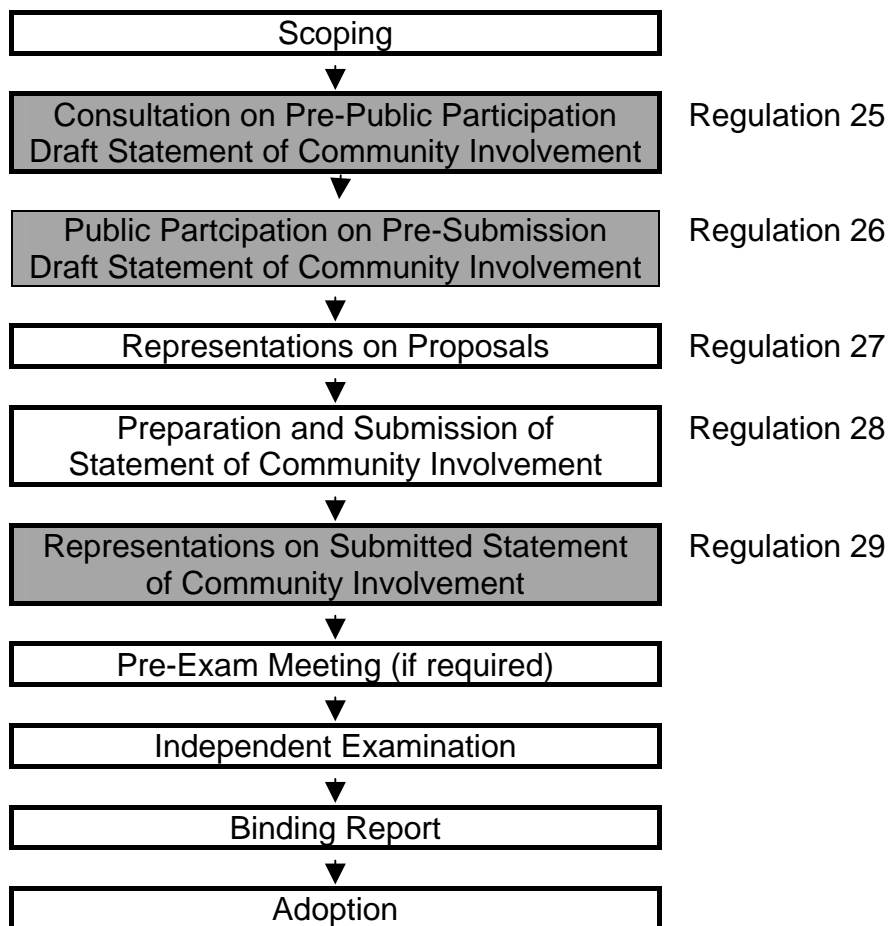



## Oldham MBC Statement of Community Involvement

Technical Changes provided in response to letter from the Planning Inspectorate dated 6 December 2006 (ref: PINS/W4223/429/3)

Amended Figure 2

**Figure 2 Statement of Community Involvement Process**



Key:  = public participation stage

*(source: Planning Policy Statement 12)*



## Oldham MBC Statement of Community Involvement

Technical Changes provided in response to letter from the Planning Inspectorate dated 6 December 2006 (ref: PINS/W4223/429/3)

### Amended Table 3

**Table 3 Consultation Methods for Different Stages of Local Development Document Preparation**

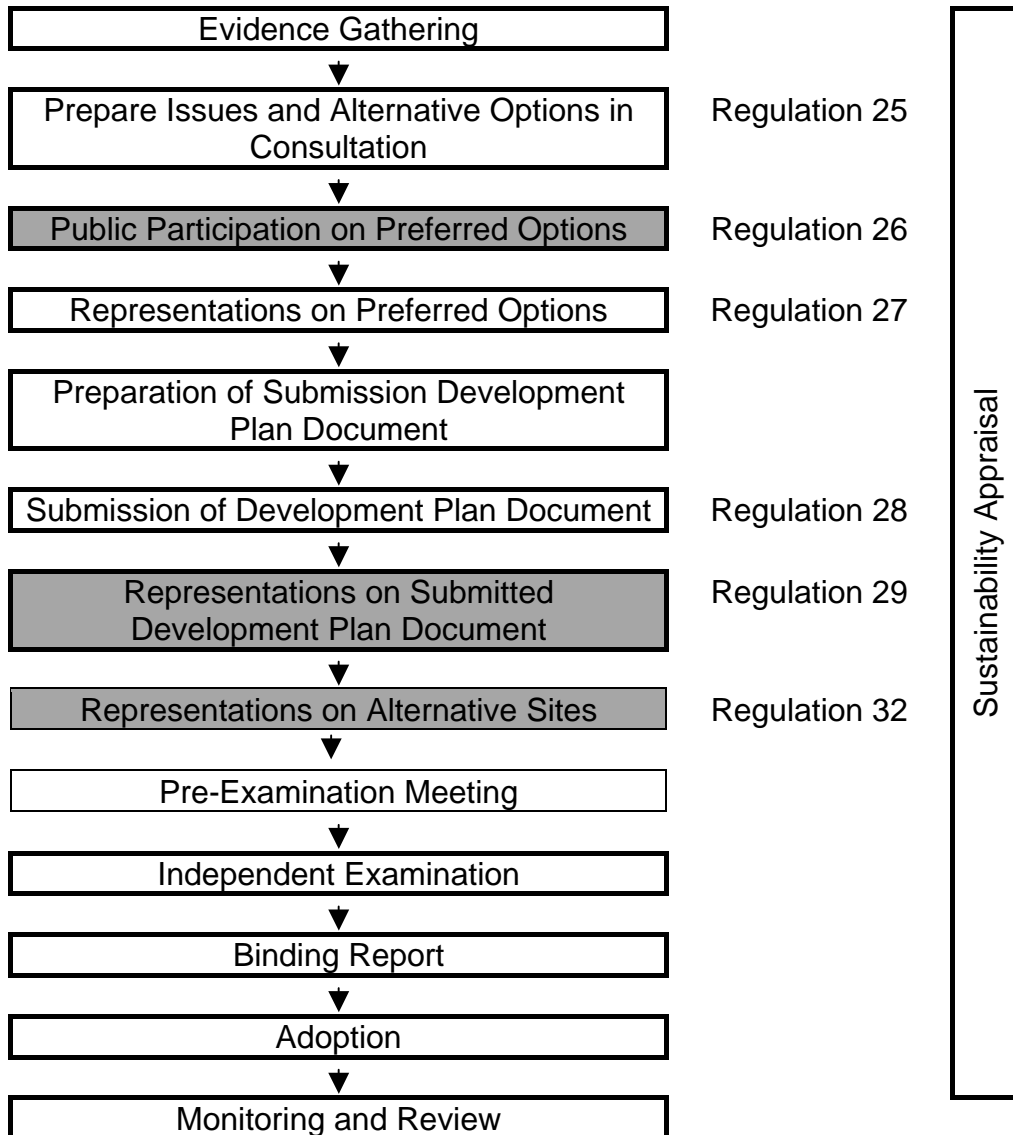
| Consultation Methods  | Pre-Production – Evidence Gathering | Production - Issues and Options / Preferred Options | Production - Submission DPD / 6 week public participation | Alternative Sites Consultation | Independent Examination | Adoption of DPD | Pre-Production – Evidence Gathering | Production – public participation on Draft SPD | Adoption of SPD |
|-----------------------|-------------------------------------|---|---|--------------------------------|-------------------------|-----------------|-------------------------------------|--|-----------------|
| Consultation Document |                                     | √   | √   |                                |                         |                 |                                     | √  |                 |
| Statutory Notice      |                                     | √   | √   | √                              | √                       | √               |                                     | √  | √               |
| Council Website       |                                     | √   | √   | √                              | √                       | √               |                                     | √  | √               |
| Councillors           | <i>possibly</i>                     | √   | √   | √                              | √                       | √               | <i>possibly</i>                     | √  | √               |
| Letter / Email        |                                     | √   | √   | √                              | √                       | √               |                                     | √  | √               |
| Press Release         |                                     | <i>possibly</i>                                     | √   | √                              | √                       | √               |                                     | √  | √               |
| Public Libraries      |                                     | √   | √   | √                              | √                       | √               |                                     | √  | √               |
| Council Newspaper     |                                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         | √               |                                     | <i>possibly</i>                                | √               |
| Area Committees       | <i>possibly</i>                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         |                 | <i>possibly</i>                     | <i>possibly</i>                                |                 |
| Stakeholder Meeting   | <i>possibly</i>                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         |                 | <i>possibly</i>                     | <i>possibly</i>                                |                 |
| Public Meeting        | <i>possibly</i>                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         |                 | <i>possibly</i>                     | <i>possibly</i>                                |                 |
| Workshop              | <i>possibly</i>                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         |                 | <i>possibly</i>                     | <i>possibly</i>                                |                 |
| Survey/Questionnaire  | <i>possibly</i>                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         |                 | <i>possibly</i>                     | <i>possibly</i>                                |                 |
| Exhibition            | <i>possibly</i>                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         |                 | <i>possibly</i>                     | <i>possibly</i>                                |                 |
| Leaflets              | <i>possibly</i>                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         |                 | <i>possibly</i>                     | <i>possibly</i>                                |                 |
| Citizens' Panel       | <i>possibly</i>                     | <i>possibly</i>                                     | <i>possibly</i>   | <i>possibly</i>                |                         |                 | <i>possibly</i>                     | <i>possibly</i>                                |                 |
| Helpline              |                                     | √   | √   | √                              |                         |                 |                                     | √  |                 |
| Oldham Partnership    | <i>possibly</i>                     | √   | √   | √                              | √                       | √               | <i>possibly</i>                     | √  | √               |

**Oldham MBC Statement of Community Involvement**

**Technical Changes provided in response to letter from the Planning Inspectorate dated 6 December 2006 (ref: PINS/W4223/429/3)**

Amended Figure 4

**Figure 4 Development Plan Document Process**



Key:  = public participation stages  
 (source: Planning Policy Statement 12)

*Please note that additional consultation will be undertaken if alternative sites are proposed as part of the public consultation stage for any Site-specific Allocations of Land Development Plan Document, as indicated above. This is required under Regulation 32 of the Town and Country Planning (Local Development) (England) Regulations 2004 and is explained more fully in paragraphs 4.6 and 4.24-4.25.)*