

Statement of Community Involvement (SCI) 2015

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Contacts

For further information please see the Council's website at:

www.burnley.gov.uk/residents/planning

or contact:

Policy & Environment Team

19 Parker Lane

Burnley

BB11 2BY

01282 425011

Email: localplan@burnley.gov.uk

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Introduction

1. Introduction

What is a Statement of Community Involvement (SCI)?

- 1.1 The Statement of Community Involvement (SCI) explains what the Council will do to involve the community and other stakeholders in the preparation and revision of local development documents (including the Local Plan) and how the community will be consulted on planning applications. It was adopted by Council's Executive on 14 July 2015.
- 1.2 Planning shapes the places where people live and work, so it is right that people should be able to take an active part in plan-making from the beginning of the process, identifying issues and debating options from the earliest stages.
- 1.3 The SCI provides a framework for future consultation and community engagement, whilst retaining flexibility to tailor individual consultation events to their particular circumstances.
- 1.4 Certain requirements for consultation on plan-making and planning applications are set out in legislation. The SCI seeks to address and expand upon these provisions where appropriate and within the available resources.
- 1.5 It is important to note that whilst the Council will always consider any relevant comments in respect of the development of a policy document or a planning application, it will not always be possible or appropriate to decide the matter in accordance with the comments received. The comments themselves may take different positions on options and proposals and there may be other material considerations, such as requirements of legislation, national or local policies to which the Council must adhere.

What is the status of the SCI?

- 1.6 Producing the SCI is a legal requirement set out in Section 18 of the Planning and Compulsory Purchase Act 2004, and once finalised, its provisions in relation to plan-making become binding.

Burnley's SCI and Review

- 1.7 Burnley Borough Council's current SCI was adopted in 2007 and guided the production of the now discontinued Area Action Plans. The SCI needed revising to reflect the reality of the Council's current planning staffing and financial resources and changes in legislation, plan-making procedures and community structures.
- 1.8 There is no requirement for an SCI to be independently examined and there is no requirement to consult on its content. It is however, good practice to hold some

informal consultation when changes to consultation procedures are proposed. Having recently undertaken Issues and Options consultation on the Local Plan, it is proposed to use the feedback received on the effectiveness of consultation to revise the SCI. A revised draft was considered by the Council's Member/Officer Local Plan Working Group before being adopted by the Council's Executive.

Relationship to other Council Communication and Consultation Strategies and Statutory Duties

- 1.9 For plan-making and development management (i.e. considering planning applications) there are specific legislative requirements on how and when consultation is carried out and the SCI explains how the Council will meet or exceed these statutory minimum requirements in line with its wider corporate engagement strategies.
- 1.10 Local authorities need to have regard to the Public Sector Equalities Duty, as referred to in the Equalities Act 2010, in respect of engaging with people with 'protected characteristics'. Reviewing the SCI will ensure that the planning service has due regard to this statutory duty in terms of public consultation on emerging planning policy documents and planning applications. The SCI also reflects the principles of the Council's Community Engagement Code of Practice at - see <http://www.burnley.gov.uk/about-council/council-meetings-how-get-involved/community-engagement-code-practice>
- 1.11 This will mean taking steps to ensure that appropriate consideration is given to the views of 'hard to reach' groups who do not take part in consultation through choice, circumstances or lack of opportunity. Traditionally, the communities of these hard to reach groups have been based around age, disability, gender, sexual orientation, faith/belief and ethnicity but it is important that all sections of the community and individuals have the opportunity to have their say.
- 1.12 The Council must comply with both the Data Protection Act 1998, which protects the privacy of personal data, and the Freedom of Information Act 2000, which is concerned with the openness of public information. The challenge for local authorities is to comply with both Acts and this will require careful handling of requests for information and consultation responses. Details of the Council's policies under both Acts can be inspected on the Council's website <http://www.burnley.gov.uk/about-council/other-information/freedom-information-foi>

Plan-Making

2. Plan-Making

- 2.1 This section of the SCI sets out how formal planning policy documents are prepared by the Council and how the Council will involve people in the preparation of these documents at each of the main preparation stages. Minimum legal requirements for consultation are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, which will simply be referred to as ‘the 2012 Regulations’. The Council will exceed these requirements where it considers this would improve engagement and where resources allow.

What are Local Development Documents?

- 2.2 Local Development Documents (LDDs) is the collective term used to describe the Statement of Community Involvement, Development Plan Documents (such as the Burnley Local Plan) and Supplementary Planning Documents.

National policy and the duty to co-operate

- 2.3 The National Planning Policy Framework (NPPF) sets out the Government’s vision for the planning system, and together with the Planning Policy for Traveller Sites and a number of Ministerial Statements, sets out the key national planning policies that development plan documents must be consistent with. The NPPF stresses the importance of a plan-led system and reiterates the role of early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses to produce a plan that reflects the vision and aspirations of local communities.
- 2.4 The Localism Act (2011) abolished regional planning and paved the way for the revocation of the last remaining county-level structure plan policies. It introduced a ‘duty to co-operate’ which requires planning authorities and other ‘prescribed’ public bodies to actively engage on cross-boundary strategic matters. For example, housing development, transport and flood risk can have impacts that cross administrative boundaries. The Council will continue to explore appropriate approaches to addressing such issues jointly with neighbouring councils and public bodies to ensure that these are reflected in the Local Plan. These duties are in addition to the basic legal requirements for consultation when plan-making.

Local Development Scheme (LDS)

- 2.5 The Local Development Scheme sets out the Council’s plan-making intentions over a 3-year period and up to date progress against the timetable set out the LDS can be viewed on the Council’s Website. The current LDS was adopted on 2 December 2014. <http://www.burnley.gov.uk/residents/planning/planning-policies/burnleys-local-development-scheme-lds>

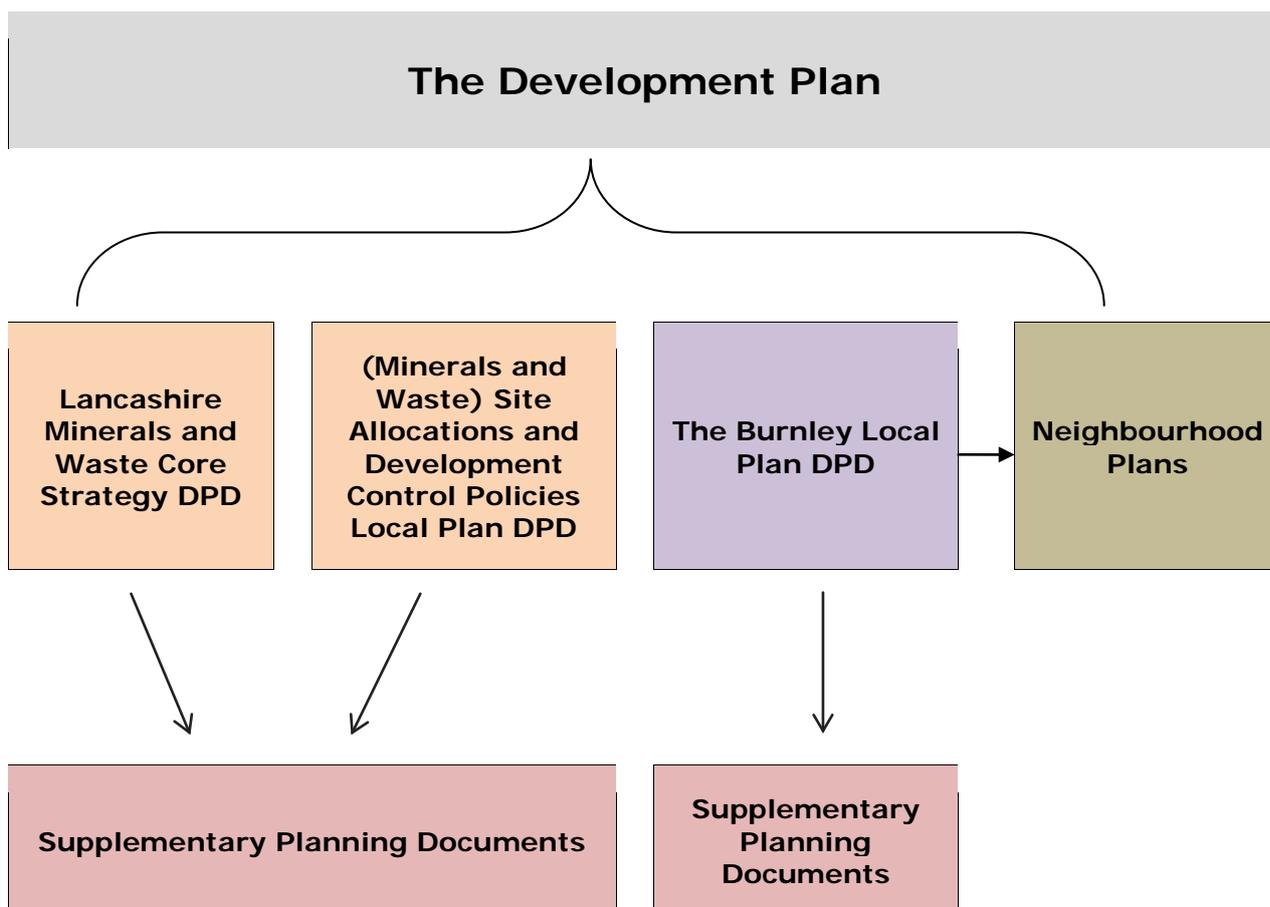
Development Plan Documents (DPDs)

2.6 Development Plan Documents are formal plans which, together with any minerals and waste plans at county level, make up the ‘development plan’ in accordance with which planning applications should be determined unless material considerations indicate otherwise. The term ‘Local Plan’ is used to describe the DPDs produced by an individual Council. The Council intend to produce one comprehensive DPD, the Burnley Local Plan.

Supplementary Planning Documents (SPDs)

2.7 Supplementary Planning Documents do not form part of the development plan but provide more detailed guidance on the implementation of policies in Local Plans, for example in relation to the development of specific sites or on particular issues such as design. SPDs can be a material consideration in planning decisions.

Figure 1. The Development Plan



Sustainability Appraisal and Strategic Environmental Assessment

- 2.8 All DPDs (i.e. the Local Plan) must be subject to a Sustainability Appraisal (SA) and most DPDs and some SPDs to a Strategic Environmental Assessment (SEA), the latter normally being incorporated into the former in the form of a combined ‘Sustainability Report’. The Scoping Report, which sets out the methodology for the appraisals, will be updated as necessary and be the subject of consultation with relevant stakeholders each time a DPD is prepared to ensure that it provides for an up-to-date and appropriate appraisal of the document in question. The Sustainability Reports will be published alongside the relevant DPD.
- 2.9 The SA seeks to assess the environmental, social and economic effects of the implementation of the policies contained in the documents or the effects of not having these policies.

Producing Development Plan Documents (The Local Plan)

Stage	Process
1. Pre-production	<ul style="list-style-type: none"> Collect evidence and establish wider policy framework
2. Involvement Informal and early engagement Issues and Options	<ul style="list-style-type: none"> Informal consultations may be carried out and the nature/extent of these will be determined by the specific requirements of evidence gathering or the subject matter Consider issues and alternatives Consult on the Scope of the SA/SEA
3. Consultation Preferred Options	<ul style="list-style-type: none"> Consult over six week period in line with Regulation 18 Council to consider the comments made*
4. Publication Publication of Proposed Submission Document and SEA/SA Report for final representations	<ul style="list-style-type: none"> Statutory stage where a minimum of 6 weeks is provided to make 'representations' on the plan, its sustainability appraisal and supporting evidence (Regulations 19 and 20) These 'representations' will be considered by the Inspector at the Examination
5. Examination Submission of Plan for Independent Examination	<ul style="list-style-type: none"> Main issues raised in the representations at Regulation 19/20 summarised and made publicly available Plan submitted to Secretary of State for independent Examination in line with Regulation 22 Independent Examination (notice given 6 weeks in advance to people who have requested to appear - Regulation 24) Examination likely to involve public Hearing Sessions Planning Inspector issues Report
6. Main Modifications	<ul style="list-style-type: none"> Optional Stage - if the Council agrees, the Inspector can propose changes or 'main modifications' to the plan (including to add 'omission sites', i.e. additional sites put forward by objectors to the DPD) to avoid it being found 'unsound' Inspector considers representations on main modifications The hearings may be re-opened
7. Adoption	<ul style="list-style-type: none"> Plan adopted by the Council if agreed as 'sound' by Inspector (Regulation 26)
8. Monitor & Review	<ul style="list-style-type: none"> Monitor Plan to make sure it is achieving its objectives Plan may be reviewed where necessary

* It is important to note that any comments made at this stage will not be carried forward to the Independent Examination. If anyone is not satisfied that their comments have been taken on board, they must comment again on the Proposed Submission Document in order to have their comments considered by the Inspector

The Preparation Stages in more Detail

Stage 1. Pre-production

- 2.10 This is the evidence gathering stage where the Council will collect the relevant social, economic and environmental data and establish the national policy framework. There may be informal meetings and discussions with consultees and identified stakeholders at this stage to consider any specific issues arising during the evidence gathering process.

Stage 2. The Informal Consultation Stage

- 2.11 At this stage consultation will be informal, and will vary depending on the nature of the document. This will normally involve informal meetings to discuss issues and options with relevant groups and public sector bodies. The aim of this stage is the 'front loading' of community involvement and stakeholders are encouraged to put forward their ideas at the early stages and thus participate in developing the document. At this stage, any recent relevant consultation exercises and the comments received in respect of them will also be taken into account and use will be made of any established forums to generate issues and ideas e.g. Citizen's panels.
- 2.12 An **Issues and Options** document(s), papers or leaflets may be produced for wider public engagement. There is no statutory requirement for an Issues and Options document to be produced but the Council decided to produce such a document as a focus for engagement on the new Local Plan in 2014. 'Drop in' sessions with exhibition or displays will be held at this stage where Council officers will be available to answer questions about the plan or how to get involved. More formalised public meetings may also be held, but these are not generally as effective in helping people understand the plan proposals and are not always a setting in which people are confident about expressing their views.
- 2.13 The comments received at this stage will be taken into consideration in the development of a Preferred Options document.

Stage 3. Consultation on a Preferred Options Draft

- 2.14 This stage will be a six week consultation period on a Preferred Options Draft document. There is no statutory requirement for a Preferred Options document to be produced but the Council has decided to produce this for the Local Plan.
- 2.15 The availability of the document will be advertised and notifications of the consultation will be sent to relevant consultees and all others who have requested to be notified will be advised of its availability. The document will be made available through the Council's website.
<http://www.burnley.gov.uk/residents/planning/planning-policy>

- 2.16 During the consultation period, ‘drop-in’ sessions with exhibition or displays will be held where Council officers will be available to answer questions about the plan or how to make comments. More formalised public meetings may also be held in addition to the drop-in sessions, but as indicated above, these are not generally as effective in helping people understand the plan proposals and are not always a setting in which people are confident about expressing their views.
- 2.17 At this stage there will also be consultation on a Scoping Report for the Sustainability Appraisal and Strategic Environmental Assessment, if this has not already occurred at an earlier stage. For the Burnley Local Plan this was done at an earlier stage and a draft Sustainability Report will be available for comment alongside the Preferred Options document.
- 2.18 The Council will consider all the comments received in response to this public consultation and amend the document in the light of these comments, as appropriate. It is important to note that any comments made at this stage, or the earlier stages, will **not** be carried forward to the Independent Examination. If anyone is not satisfied that their comments have been taken on board, they must comment again at the Publication stage set out below in order to have their comments considered by the Inspector.

Stage 4. Publication of Proposed Submission Document

- 2.19 The amended DPD, now called the ‘Proposed Submission Document’ or ‘Publication Plan’, will be published and there will be a formal six week period during which final representations can be made. This is a requirement of the regulations. The Sustainability Report and a Consultation Statement - which summarises the consultation that has been undertaken in connection with the preparation of the DPD to date, will be published alongside the DPD.
- 2.20 Following this period, the Council will submit the Proposed Submission Document together with all the other relevant reports, the representations received and a Statement of Representations (summarising the representations made (at the publication stage), to the Secretary of State.

Stage 5. Examination

- 2.21 All representations will be considered by the Independent Inspector appointed by the Secretary of State, who will conduct an Examination into the ‘soundness’ and legal compliance of the DPD. The tests of soundness are set out in national policy in the National Planning Policy Framework (NPPF) and the legal tests, in legislation. The Inspector will consider most comments by way of written submissions but public Hearing Sessions will normally be held and these are usually in the form of a round table discussion or an Informal Hearing or exceptionally a formal Public Inquiry. For

further information on Examinations see the Planning Inspectorate's Procedural Practice Guide to Examinations:

http://www.planningportal.gov.uk/uploads/pins/dpd_procedure_guide.pdf.

- 2.22 There may be a Pre-Hearing Meeting (PHM) at which the Inspector will agree with all those who have made representations how their views will be considered and how the Hearings will be conducted. On occasion, there may also be an Exploratory Meeting called by the Inspector prior to the PHM to address or clarify any outstanding issues and explore how best to proceed with the Examination. Further information on participating in the Examination and at the Hearings can be found at http://www.planningportal.gov.uk/uploads/pinsldf/public_leaflet_dpd.pdf

Stage 6. Main Modifications

- 2.23 During the Examination, the Inspector may ask the Council to allow him/her to propose changes, known as '**main modifications**', to address issues of soundness or legal compliance. The Council will normally consult on any such main modifications for a time period agreed with the Inspector. Any further representations received on the main modifications would then be considered by the Inspector who may reopen the Hearing Sessions if he/she thinks this is necessary. **Minor changes**, such as typographical corrections, factual updates or other changes which taken together do not 'materially' affect the policies of the Plan can be made by the Council and do not require further consultation.

Stage 7. Adoption

- 2.24 Following the Examination, the Council will receive an Inspector's report. Should the Council wish to adopt the Plan, they must follow the Inspector's recommendations, and if any main modifications are proposed, amend the Plan accordingly. There is a short period during which the Council can seek to clarify factual matters. Following consideration of the Inspector's report by the full Council, the final Plan can be adopted. The Council must publish the Plan, an Adoption Statement, final SA Report and details of where these can be inspected, in accordance with Regulation 26 of the 2012 Regulations. There is a six-week period from the date of adoption for the submission of any legal challenge.

Stage 8. Monitor & Review

- 2.25 The plan will be monitored against a number of identified indicators and the results will be published in the Authority Monitoring Report (AMR). The Plan may be reviewed if necessary before the end of the Plan period (2030 is proposed for the Local Plan).

Producing a Supplementary Planning Document (SPD)

- 2.26 The procedure for preparing and adopting Supplementary Planning Documents is shorter than for DPDs. SPDs are not subject to Independent Examination.
- 2.27 Initial consultation on SPDs will be informal and will be targeted at particular groups and individuals depending on the subject matter or location to which the SPD relates. Consultation techniques will vary depending on the nature of the SPD. This informal consultation will seek to influence the scope and content of the SPD. At this stage, any previous relevant consultation exercises and the comments received in respect of them will also be taken into account.
- 2.28 Following initial consultation, a Draft SPD will be prepared and this will then be the subject of formal public participation as required by Regulation 13 of the 2012 Regulations. Parish and town councils, charitable and voluntary bodies who may have a particular interest in the SPD, and all others who have requested to be notified, will be advised of the availability of the document.
- 2.29 The Draft SPD will be made available through the Council’s website. This publicity will offer an opportunity for individuals and bodies to contribute their views. Depending on the nature of the SPD, the consultation may be further publicised through a local exhibition or display, or meetings may be held to discuss the draft document.
- 2.30 All comments received will be considered and the SPD amended in the light of these comments. Following consideration by the Council’s Executive, the final document will be adopted.

Stage	Process and Requirements
<p>1. Involve –</p> <p>Preparation and early engagement</p>	<ul style="list-style-type: none"> • Collect evidence. Informal consultations may be carried out and the nature/extent of this will be determined by the subject matter of document. • Work with relevant groups and organisations • Consider issues and alternatives in the production of a draft SPD • Screen to determine whether an SEA required • Report on the consultation undertaken is summarised within a Consultation Statement (Regulation 12)
<p>2. Consult –</p> <p>Publication of draft SPD</p>	<ul style="list-style-type: none"> • Statutory stage where a minimum of 6 weeks* will be provided to comment on draft SPD and any supporting evidence, including the Consultation Statement (Regulation 13) • Documents made available for inspection including on the Council’s website • Notifications will be sent to relevant groups and organisations

	<p>and all those who have requested to be notified</p> <ul style="list-style-type: none"> • Parish and town councils will be notified • Comments considered by officers and SPD amended
<p>3. Adopt</p>	<ul style="list-style-type: none"> • Amended SPD and summaries of consultation responses received presented to the Executive for adoption under Regulation 14 • Adoption statement produced and relevant people notified
<p>4. Monitor</p>	<ul style="list-style-type: none"> • Final SPD is monitored, to make sure it is achieving its aims • SPD may be reviewed, where necessary

* The 2012 Regulations require a minimum of 4 weeks.

Neighbourhood Planning

- 2.31 Neighbourhood development plans or ‘neighbourhood plans’ as they tend to be known are plans taken forward by communities themselves with the support of the Council. Neighbourhood Plans can allocate land or establish policies for the development of land in a neighbourhood if the majority of voters in the neighbourhood give approval. These plans must be in conformity with the strategic policies in the Local Plan and have regard to national planning policy. Once adopted these plans form part of the statutory development plan.
- 2.32 Consultation procedures for neighbourhood plans and development orders are set out in the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012.
- 1.33 If a Parish or Town Council or other local forum has ideas for developing policies or guidance on planning matters in their area, we would urge them to contact the Council informally at an early stage. Discussion of the options for developing guidance may save unnecessary work and expense on the part of the local organisation.

Table 1. Summary of consultation strategy by document type

	Consultation letters & emails	Website	Media releases	Informal discussions with Officers	Structured response form	Formal meetings	Exhibitions & displays	Focus groups	Acknowledgement of all comments received within relevant time period
DPDs (i.e. the Local Plan)									
Informal Consultation	Possibly	Possibly	Possibly	✓	Possibly	Possibly	Possibly	✓	✗
Public Participation (Reg 18) including • Issues and Options • Preferred Options	✓	✓	✓	✓	✓	Possibly	✓	✗	✗
Publication for final representations (Reg 19/20)	✓	✓	✓	Possibly	Possibly	✗	✗	✗	✓
Main Modifications (if necessary)	Possibly	✓	Possibly	✗	Possibly	✗	✗	✗	✗
SPDs									
Informal Consultation	Possibly	Possibly	✗	✓	Possibly	Possibly	✗	Possibly	✗
Formal Public Participation (Reg 13)	✓	✓	Possibly	✓	Possibly	Possibly	Possibly	✗	✗

The scope and methods of consultation

2.33 This section sets out who will be consulted, how they will be consulted and how the Council will accept and respond to the comments received.

Who will be consulted?

2.34 The minimum legal requirements for consultation and public participation for Local Development Documents are set down in the Town and Country Planning (Local Planning) (England) Regulations 2012. Specified bodies must be consulted where the Council considers that the body may be affected by what the plan contains or ought to contain. These **'specific consultation bodies'** are defined as:-

- The County Council
- Parish and Town Councils (within the plan area)
- Adjoining Councils (County, District, Unitary and Parish/Town)
- The Police and Crime Commissioner
- Adjoining Police and Crime Commissioners
- The Coal Authority
- The Environment Agency
- Historic England (Historic Buildings and Monuments Commission for England)
- Marine Management Organisation
- Natural England
- Network Rail Infrastructure Limited
- The Highways Agency
- Relevant telecommunications companies
- Relevant Clinical Commissioning Group(s)
- NHS Commissioning Board
- Relevant electricity and gas companies
- Relevant water and sewerage companies
- The Homes and Communities Agency

2.35 The Regulations also require consultation with other interest groups, which cover a whole range of voluntary, community, special interest, amenity and business interests, referred to as **'general consultation bodies'**. These are defined as:-

- voluntary bodies some or all of whose activities benefit any part of the authority's area; and
- other bodies who represent, in the authority's area, the interests of different racial, ethnic or national groups; different religious groups; disabled persons; and persons carrying on business in the authority's area.

- 2.36 Natural England, Historic England and the Environment Agency are also ‘SEA Consultation bodies’ who will be specifically consulted on the requirement for and on the scope of any Strategic Environmental Assessments (SEAs).
- 2.37 In addition to the above, the Council maintains a commitment to both formal consultation and informal discussions with other local authorities and non-governmental organisations. The Council maintains a database of organisations and individuals who have requested to be kept informed of planning policy documents in Burnley. This is kept up to date and can be amended at the request of the individuals and organisations.
- 2.38 If you or your organisation want to be added to this database, or alternatively no longer wish to receive consultations, please let us know. Email localplan@burnley.gov.uk or telephone 01282 425011 ext 2280. To keep the database and costs manageable and to avoid confusion, each organisation will be allowed a single database entry/contact point only.

Consulting everyone

- 2.39 Consultation documents will be made available in electronic and hard copy format. The Council seeks to produce its policy documents in an accessible and easy to read format, and documents for inspection, meetings and exhibitions will be held at accessible locations. For those who do not have internet access, other formats, e.g. large print, are available on request.
- 2.40 Consultation letters and emails may be accompanied by specially designed comments forms to assist people with their responses, and officers will be happy to provide guidance and assistance when required.
- 2.41 At the key consultation stages on the Local Plan (Issues and Options and Preferred Options) summary leaflets written in plain language will be prepared.
- 2.42 Officers will try to assist anyone who has difficulty understanding or engaging in the process. At each stage the Council will clearly explain how comments can be made.
- 2.43 Other relevant corporate consultation activities or publications e.g. Council newsletters will be used to help raise awareness and inform residents about the Local Plan’s progress.
- 2.44 Planning Aid is a service run by the Royal Town Planning Institute which provides free and independent professional planning advice to community groups and individuals who cannot afford to pay professional fees. For further information please contact:

Planning Aid Direct Website <http://planningaid.custhelp.com>

Planning Aid England Advice Line:

Tel: 0330 123 9244 or Email: advice@planningaid.rtpi.org.uk

General Enquiries:

Tel: 020 3206 1880 or Email: info@planningaid.rtpi.org.uk

www.rtpi.org.uk/planning-aid

Receipt of representations

2.45 The Council is able and willing to receive written representations and comments by email or letter, or at certain key stages e.g. preferred options, online. At the formal stages of the process, those making representations will be encouraged to use the official forms supplied, although all written comments, however received, will be registered. Representations made by telephone will not normally be registered. Where possible, we would encourage you to use email or the online consultation portal as this helps us quickly and accurately store and process your comments.

Dealing with your comments

2.46 All formal comments submitted on DPDs and SPDs will be logged and the respondent's name and contact details will be entered on to the database maintained by the Council unless you specifically ask us not to do so in which case we will not be able to contact you thereafter.

- For SPDs the Council will not acknowledge receipt of comments.
- For the Local Plan at early and informal consultation stages, including Issues and Options and at the Preferred Options stage, the Council will not acknowledge the receipt of comments. At the proposed submission stage for DPDs the Council will acknowledge receipt of representations received as follows:
 - a short acknowledgement letter/card/email in response to individual respondents; or
 - a short acknowledgement letter/card/email in response to petitions - via the lead or first name only.

2.47 All 'duly made' comments on the relevant Local Plan or SPD will be analysed and carefully considered. How they are considered and reported will depend on the stage a document has reached. Individual written responses to the comments received will not normally be sent. Those who have commented will be able to see how their comments have been addressed, as set out below.

2.48 At the Issues and Options and Preferred Options stage for the Local Plan, or following consultation on a draft SPD, comments will be reported to the decision-making body, i.e. the Council's Executive, as summaries or as a summary report. These summaries

or summary reports will be considered alongside the officer report and recommendations and will be made available through the Council's website.

- 2.49 All comments received will, however, be available to inspect in full on request. Other than names and postal addresses, representors' contact details will not be published or made available. At the early and informal stages only (prior to issues and options), the Council may allow anonymous comments through specific engagement exercises where overall outcomes will be summarised e.g. focus groups or briefings sessions.
- 2.50 For DPDs i.e. the Local Plan, the Council has to prepare a Consultation Statement for publication alongside the Proposed Submission DPD which summarises the consultation that has been undertaken in connection with the preparation of the DPD.
- 2.51 For SPDs the Council also has to prepare a Consultation Statement for publication alongside the Draft SPD which summarises the consultation that has been undertaken in connection with the preparation of the draft.
- 2.52 For DPDs i.e. the Local Plan, at the Proposed Submission stage, representations will not normally be considered by the Council. These representations will be assessed and a summary of the key issues raised in them will be prepared in a 'Statement of Representations'. All the original representations as submitted will be sent to the Inspector when the Plan is submitted for Examination and will be published through the Council's website in full but with signatures, private telephone numbers and email addresses redacted (removed).
- 2.53 It is important to note that whilst the Council (or Inspector) will always consider any relevant comments in respect of the development or a policy document, it will not always be possible or appropriate to decide the matter in accordance with the comments received. There may be other material considerations, such as requirements of legislation, or national or local policies to which the Council or Inspector must adhere.

Who makes the decisions?

- 2.54 It is the role of officers to prepare the Local Plan, its evidence and the consultation material and make recommendations to the elected Councillors. The Council's Executive makes decisions on the Local Plan at Issue and Options and Preferred Options stages. After that, at the Proposed Submission (Publication stage) and for the adoption, the decisions must be made by the Full Council.
- 2.55 Following the submission of the Plan for Examination, decisions are in effect made by the Inspector. Where the Inspector indicates that 'main modifications' would be required to avoid unsoundness (i.e. to avoid the rejection of the Plan) officers or specified members will be given delegated authority to agree to put forward such

changes. Exceptionally, where fundamental changes to the Plan are being considered, these may be referred back to a meeting of the Full Council during the Examination. The Full Council will have the final decision on whether to adopt the plan but can only adopt it in accordance with the changes the Inspector recommends be made to achieve soundness.

- 2.56 Prior to the Executive or Council making decisions at the key stages of the Plan's development, a 'Local Plan Working Group' of members (i.e. Councillors) will meet with officers to look in detail at the emerging Plan or specific topic areas. This member working group has no formal decision making power, but will make suggestions to officers and recommendations to the formal Executive or full Council which officers will include in their own report.

What are 'duly made' comments?

- 2.57 For comments to be considered 'duly made' they must:
- a) be received within the timescales set out;
 - b) relate to the document, its content, or its preparation;
 - c) not be anonymous (You **must** give your name and postal address); and
 - d) not be offensive, libellous, racist or otherwise breach the law (i.e. inadmissible)
- 2.58 Whilst all duly made comments will be considered and welcomed, not all comments may be able to be taken on board. At the Examination stage, only soundness or legal compliance issues can be addressed by the Inspector.
- 2.59 It is really important that comments are sent in on time as late comments at the formal stages **cannot** be accepted. Please also be aware that there may be size limits on email attachments than can cause failure of delivery. If you are sending any such large documents it would be advisable to check we have received these well before the deadline expires.

Publicity and availability of documents

- 2.60 All formal draft and final documents will be available through the Council's website and be available for inspection at the Council's Contact Centre and the main libraries at Burnley Central and Padiham; and two copies of the main documents will be sent to each Parish/Town Council. Copies will also be available in hard copy form on request.
- 2.61 All draft versions will be available for information even after the consultation period has closed, until such time as the document is finally adopted.

Charges for documents

- 2.62 All consultees and interested parties will be encouraged to use the Council's website for viewing or downloading documents, although it is appreciated that this is not appropriate for everyone.
- 2.63 Consultation notifications will normally be sent by email with a link to the relevant document on the website or the document provided as an attachment. Where people do not have access to email or cannot use this method for specific reasons (for example they don't have or can't use a computer), a letter can still be sent, but the Council will wherever possible use electronic means of communication to minimise costs.
- 2.64 In order to facilitate consultation, single copies of the key Plan documents e.g. the draft plan itself, the SA Report etc will be provided free of charge in response to individual reasonable requests. Once the Plan is adopted, however, a charge will normally be made for copying/purchase.
- 2.65 A scale of reasonable charges for documents and copying will be published on the Council's website and reviewed periodically.

Planning Applications

3. Planning Applications (Development Management)

- 3.1 This section sets out how we will engage with the community on planning applications, appeals, enforcement matters and Local Development Orders, incorporating the legal requirements for consultation and publicity and including additional non-statutory measures.

The Pre-application Stage

Pre-application Advice to Developers

- 3.2 In addition to providing general advice to members of the public, the Council welcomes and encourages pre-application discussions with developers prior to the submission of a planning application. This helps to give greater certainty to developers, identifies any potential problems or constraints, ensures that all the required information is submitted with the application and results in a speedier decision.
- 3.3 We have a duty officer system where members of the public or potential applicants can seek free, informal, advice from a planning officer by telephone, email or in person at Contact Burnley on Parker Lane. Where more detailed advice is needed, we have a formal pre-application service for which a fee is charged. Further details of our pre-application service can be found on our website, www.burnley.gov.uk.

Community Involvement by the Developer

Onshore wind development

- 3.4 Article 3 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 places a legal requirement on developers to carry out pre-application consultation with the community in respect of onshore wind development of more than two wind turbines or any turbine with a hub height exceeding 15 metres height.
- 3.5 The Council will expect developers to carry out this consultation in accordance with s61W of the Town & Country Planning Act 1990, i.e.
- publicise the proposal in such a way as the applicant reasonably considers is likely to bring it to the attention of a majority of the people who live at, or otherwise occupy, premises in the vicinity of the land;
 - set out how persons may contact them regarding the proposal. The applicant must give sufficient information about the proposed timetable to ensure that people wishing to comment on the proposed development may do so in good time;
 - if they decide to go ahead with making an application for planning permission, have regard to any responses received when finalising the application to be submitted;

- when submitting their application, explain how the local community has been consulted, what comments have been received, and how account has been taken of those comments.

Other significant development

- 3.6 The National Planning Policy Framework advises local planning authorities to encourage developers who are not required to do so by law to engage with the local community before submitting their planning applications.
- 3.7 The Council will encourage developers to undertake early community consultation particularly for planning proposals that may give rise to local controversy, those that are on sensitive sites or those that are significant in scale.
- 3.8 This should be carried out by local public exhibitions, notices in the press and around the site. Local councillors and Parish Councils should be notified directly by letter or email. The Council will expect the developer to include with the submitted planning application, a statement setting out what community engagement has been carried out and what responses were received. It should also set out how the responses received have been taken into account in the design of the development.

Small scale development

- 3.9 Small-scale proposals, such as house extensions or advertisements, will not require community involvement. However, applicants are encouraged to discuss their proposals with the occupiers of neighbouring property that may be affected and to take account of their concerns where possible. This can reduce the need for changes after the application has been submitted to the Council, increase the prospect of planning permission being granted and speed up the time taken to deal with the planning application.

Planning Applications

Statutory Consultation

- 3.10 The Council has a list of organisations which may need to be consulted on a planning application. Not all of these are consulted on each application. Consultations will vary with the type of proposal and location. Statutory consultees (those organisations which the Council have to contact) have 21 days from receipt of information in which to respond.

Neighbour Notification

- 3.11 The Town & Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to publicise planning applications either by displaying a site notice for not less than 21 days or by sending a letter to any adjoining owner or occupier.

- 3.12 The Council will notify by letter all owner/occupiers of adjoining properties. However, new development often affects more properties than those immediately adjoining and in most cases wider consultation will be carried out with letters sent to all properties that may be affected by a development proposal on material planning grounds, e.g. privacy or outlook affected by a new building, or by odours from a change of use to a take-away. More comprehensive guidance on material considerations can be found on the council's website.
- 3.13 In addition to this direct notification, applicants will also be asked to post a site notice to publicise their application.
- 3.14 All applications are available to view on the Council's website, www.burnley.gov.uk or can be viewed electronically on a computer in Contact Burnley. All observations should be made in writing, either by email or post, within 21 days. Representations received have, by law, to be made available for public inspection so will be placed on the file and may also be placed on the Council's website. All signatures and other personal information will be removed from letters placed on the website.

Wider Community

- 3.15 The Council does not produce a weekly list of applications but a list of all applications received over a certain period can be obtained from our website by searching between relevant dates.
- 3.16 The Council also advertises in the Burnley Express development that is:
- a departure from the Local Plan;
 - a major application;
 - a planning application with an Environmental Impact Assessment;
 - development affecting a right of way; and
 - a planning application affecting a Listed Building.

Listed Building Consent applications and Relevant Demolition applications are also advertised in the press. In addition, a site notice is erected.

Taking responses into account

- 3.17 All representations received will be considered by the case officer in reaching a decision on the application. It is only possible to take into account objections made on planning grounds.

Revised Applications

- 3.18 Negotiation is a very important and crucial part of the development control process. Through negotiation and the receipt of letters of objection, amendments may be made to a proposal to make it more acceptable. Where amendments are made that,

in the opinion of the Case Officer, significantly revise the proposal or that make changes to the description of the proposal, the Development Control Officer may re-consult the statutory consultees and any neighbours and again request any written representations. The response time for re-notifications will be at the discretion of the Case Officer. Significant amendments negotiated on Listed Building applications, or applications within Conservation Areas may be re-advertised. No re-advertisement would normally take place on minor amendments.

Development Control Committee

- 3.19 Under the Council's Scheme of Delegation, the Head of Housing and Development Control has delegated powers to approve all applications except:
- where in the opinion of the Head of Housing & Development Control, the decision is likely to be contentious;
 - where the application has been submitted by a Member of the Council, officer of the Council or their partners;
 - where the decision is not in accordance with a stated Council policy e.g. the Burnley Local Plan; or
 - where material planning objections have been received.
- 3.20 In these circumstances, planning applications are reported to the Development Control Committee. Committee reports are written around two weeks before the date of the meeting. All comments that have been received at the time of writing will be summarised in the committee report. Comments received after this will be reported on a late information sheet, generally referred to as the 'green sheet' that is handed to members of the committee at the meeting. Any representations made after 12 noon on the date of a committee will not be included on the green sheet but may be reported verbally if they are matters that are relevant to the application in question that are not already addressed within the main report or the green sheet.
- 3.21 Anyone who has made representations on an application will be informed by email or letter that the application is to be reported to Committee. Under the **Council's Right to Speak Policy**, the applicant and interested parties have the opportunity to address the committee (for a maximum of five minutes) outlining their support for, or objection to, the proposal. An application to address the committee must be made by 5pm on the Monday before the meeting (most meetings are held at 6.30pm on a Thursday).
- 3.22 The Head of Housing & Development Control also has delegated powers to refuse applications which are contrary to the Local Development Plan

Decision Notification

- 3.23 All Parish Councils will be notified by email of the decision on any planning application on which they have made observations, including conditions and the reasons for the decision in accordance with Article 25 of the Development Management Procedure Order. This includes any decision made on an application referred to the Secretary of State.
- 3.24 All other consultees can obtain information about decisions on planning applications by visiting the Council's website or by contacting the case officer whose details can be found in the original notification letter.

Appeals

- 3.25 If an appeal is lodged against refusal of permission, the Council will notify in writing all those originally consulted and those who have made comments on the application and advise them of the process to be followed and the arrangements for sending in any representations. In the case of householder applications, the Planning Inspectorate operates a 'fast-track' system and no further representations can be made. However, the Council will send copies of all representations made on the planning application to the Planning Inspectorate.

Enforcement

- 3.26 The Council will investigate breaches of planning control reported by members of the public including building works carried out without the necessary planning permission, or not in accordance with a permission, unauthorised works to listed buildings, unlawful advertisements and works to protected trees.
- 3.27 Enforcement enquiries remain confidential and no consultation is carried out on those enquiries. However, if a formal Enforcement Notice is issued, the applicant has a right of appeal and the Council will inform nearby residents that an appeal has been lodged. The notification will provide information about the process and timescales involved and how to make representations to the Planning Inspectorate.
- 3.28 Further information about the procedures and priorities for planning enforcement are set out in the Council's Enforcement Plan which can be found on the Council's website, www.burnley.gov.uk.

Local Development Orders (LDOs)

What are LDOs?

- 3.29 Local Development Orders (LDOs) were introduced by the Planning and Compulsory Purchase Act 2004. They are made by local planning authorities and grant planning permission for specific types of development within a defined area. They can be

subject to restrictions/conditions. They streamline the planning process by removing the need for developers to make planning applications to a local planning authority. They create certainty and can save time and money for those involved in the planning process.

- 3.30 It is a requirement that LDOs are the subject of consultation and the minimum consultation requirements are set out in Part 8 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Consultation on LDOs

- 3.31 Consultation on the draft LDOs includes two sets of consultees:
- “Persons” specified and described in the regulations in so far as the Council consider they would be affected by the LDO. These are similar to the ‘Specific’ and ‘General’ consultation bodies for plan-making purposes listed in Appendix 1.
 - “Persons” with whom the Council would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO. (See para 3.10 on Page 30)
- 3.32 The Council will also give notice of the availability of the draft LDO for comment in the Burnley Express.
- 3.33 As site notice will be displayed on or near the site and notice will be served on every person the Council knows to be an owner or tenant of any part of the site (where their name and address is known to the Council).
- 3.34 A copy of the draft LDO and the Statement of Reasons will be published on the Council’s Website and made available for inspection at the Council’s Contact Centre and the main libraries at Burnley Central and Padiham.
- 3.35 Comments will be invited for a period of 28 days.

Consideration of the Comments Received

- 3.36 Following the expiry of the consultation period, all responses received will be considered by officers and reported in summary form to the decision maker (the Council’s Executive, or the Executive Member for Housing and Development Control) for consideration, together with the recommended response. These summaries will be available to view alongside the officer recommendation and decision.

Adoption of an LDO

- 3.37 Once adopted, an LDO will be available to view on the Council’s website and the Secretary of State must be advised of its adoption.

Appendices

Appendix 1: Consultees Lists

Specific Consultation Bodies

The Town and Country Planning (Local Planning) (England) Regulations 2012 (Reg 18) identifies the following specific bodies that must be consulted where the Council considers that the body “may have an interest in the subject of the proposed local plan”.

Specific Consultation Bodies
The Coal Authority
The Environment Agency
Historic England (Historic Buildings and Monuments Commission for England)
Marine Management Organisation
Natural England
Network Rail Infrastructure Limited
The Highways Agency
Relevant telecommunications companies (via The Mobile Operators Association)
East Lancashire Clinical Commissioning Group
NHS Commissioning Board (Lancashire Area Team)
Relevant electricity and gas companies – Electricity North West, National Grid
Relevant water and sewerage companies - United Utilities
The Homes and Communities Agency
Lancashire County Council
<i>Parish and Town Councils (within the plan area)</i>
<ul style="list-style-type: none"> • Padiham Town Council
<ul style="list-style-type: none"> • Briercliffe Parish Council
<ul style="list-style-type: none"> • Cliviger Parish Council
<ul style="list-style-type: none"> • Dunnockshaw Parish Council
<ul style="list-style-type: none"> • Habergham Eaves Parish Council
<ul style="list-style-type: none"> • Hapton Parish Council
<ul style="list-style-type: none"> • Ightenhill Parish Council
<ul style="list-style-type: none"> • Worsthorne – with – Hurstwood Parish Council
<i>Adjoining Councils (County, District, Unitary and Parish/Town)</i>
<ul style="list-style-type: none"> • Calderdale Metropolitan District Council
<ul style="list-style-type: none"> • Hyndburn Borough Council
<ul style="list-style-type: none"> • Pendle Borough Council
<ul style="list-style-type: none"> • Ribble Valley Borough Council
<ul style="list-style-type: none"> • Rossendale Borough Council
<ul style="list-style-type: none"> • Altham Parish Council
<ul style="list-style-type: none"> • Blackshaw Parish Council
<ul style="list-style-type: none"> • Brierfield Town Council

Specific Consultation Bodies
• Heptonstall Parish Council
• Higham Parish Council
• Reedley Hallows Parish Council
• Simonstone Parish Council
• Todmorden Town Council
• Trawden Forest Parish Council
• Wadsworth Parish Council
• Whitworth Town Council
The Police and Crime Commissioner - Lancashire
Adjoining Police and Crime Commissioner – West Yorkshire

General Consultation Bodies

The Regulations also list the following general consultation bodies with whom the Council should consult on the preparation of Local Development Documents:

- a) voluntary bodies, some or all of whose activities benefit any part of the authority’s area;
- b) bodies which represent the interests of different racial, ethnic or national groups in the authority’s area;
- c) bodies which represent the interests of different religious groups in the authority’s area;
- d) bodies which represent the interests of disabled people in the authority’s area; and
- e) bodies which represent the interests of people carrying on business in the authority’s area.

These may change over time, but currently the Council has identified the following general consultation bodies that may have an interest in the Local Plan or any relevant SPDs, or that have asked to be consulted.

General consultation bodies	
Belmont Community Association	Friends of Memorial Park
Big Local Gannow	Friends of Padiham Greenway
Brunshaw Action Group	Friends of Scott Park
Brunshaw Estate Management Board	Friends of Thompson and Queen’s Park
Building Bridges Burnley	Friends of Towneley
Burnley & District Chamber of Trade	Friends of Towneley Park
Burnley & District Society for The Blind and Partially Sighted	Friends of Worsthorpe with Hurstwood
Burnley Civic Trust	Hapton Heritage
Burnley Historical Society	Jinnah CDS
Burnley Lancashire Facebook	Jinnah Community Centre

General consultation bodies	
Burnley Lane Residents Action Group	Masjid Ibrahim
Burnley & Padiham Over 50's Forum	Middlesex Avenue over 50s Club
Burnley & Pendle Ramblers Association	Near Neighbours
Burnley, Pendle and Rossendale Council for Voluntary Services	Neighbourhoods United
Burnley Wood Community Centre	Over 55's Group Howard Street Community Centre
Burnley Youth Council	Padiham Community Action
Burnley Youth Theatre	Palace House and Woodbine TRA
Canalside Community Association	Pennine Lancashire Community Farm
Caring Accrington Road Residents	Piccadilly's Moving Community Association
Central Briercliffe Road Action Group	Project Padiham
Coal Clough Lane Community Association	Pyramid Group
CRACA Cliviger Regeneration and Community Association	Red Lees Action Group
Eastern Avenue Tenant Group	Rosegrove Action Group
East Lancs Chamber of Commerce	Rosehill & Howorth Fold Residents Association
East Lancashire Deaf Society	Rotary Burnley Pendleside
East Lancashire Service User Network	Stonemoor Bottom Residents Group
Eliza Street Action Group	Stoops and Hargher Clough Community Association
Elm Street Business Park Association	Thursby Gardens Community Action Group
Forest of Burnley	Trees for Burnley
Fraser Street Project	Trinity Action Group
Friends of Bank Hall	Visually Impaired Persons Group
Friends of Ightenhill Park	Weavers' Triangle Trust

Duty to Cooperate

The Localism Act 2011 and the 2012 Regulations prescribe the following bodies who are subject to the duty to cooperate in relation to the local development documents in so far as they relate to a strategic matter. These duties also apply to the Local Planning Authorities and County Councils.

Bodies covered by the Duty to cooperate
Local planning authority (including Burnley borough Council)
County Council(s)
Prescribed Bodies under the Duty to Cooperate
The Environment Agency
Historic England (Historic Buildings and Monuments Commission for England)
Natural England

The Mayor of London
The Civil Aviation Authority
Homes and Communities Agency
Relevant Clinical Commissioning Group(s) (East Lancashire)
NHS Commissioning Board (Lancashire Area Team)
The Office of Rail Regulation
Transport for London
Integrated Transport Authority
Lancashire County Council - Highway Authority
Marine Management Organisation
The LEP and Local Nature Partnerships are not themselves covered by the duty to cooperate but the bodies above must have regard to their activities when undertaking plan-making related activities in so far as they relate to a strategic matter .
Lancashire Local Enterprise Partnership
Lancashire Local Nature Partnership
South Pennines Local Nature Partnership

Other Consultees

These following other consultees may also change over time but currently the Council has identified the following bodies which may have an interest in the Local Plan or relevant SPDs or have asked to be included.

Other consultees	
Residents who have registered on the local plan consultation database (not listed here)	
Local business that have registered on the local plan consultation database (not listed here)	
Developers, agents and landowners that have registered on the local consultation database (not listed here)	
If you want to check that you are included in the Local Plan Consultation database, or be added, please email localplan@burnley.gov.uk or telephone 01282 425011 ext 2280	
Accent Housing Group	The Lawn Tennis Association
Age UK	NFU North West
Ancient Monuments Society	The National Federation of Gypsy Liaison Groups
Association of Inland Navigation Authorities	National House Building Council (NHBC)
Blackburn with Darwen Borough Council	National Housing Federation
British Chemical Distributors and Traders Association	National Market Traders Association
British Horse Society	National Trust
British Sign and Graphics Association	National Trust Gawthorpe Hall
British Toilet Association	Newground
Burnley College	NHS Property Services
Burnley Police Station	North West Transport Activists Roundtable

Other consultees	
Burnley Wildlife Conservation Forum	Office of Rail Regulation
Calico Housing Ltd	Offshoots Permaculture Project
Campaign for Better Transport	Open Spaces Society
Campaign for Real Ale	Outdoor Media Centre
Canal & River Trust	Padiham Police Station
Civil Aviation Authority	Participation Works
Commission for Architecture and the Built Environment (CABE)	Pennine Prospects
Confederation of British Industry	Places for People
Consortium of Local Medical Committees	Planning Inspectorate (PINS)
Community Rail Partnership - East Lancashire Line	The Prince's Foundation for Building Communities
Council for British Archaeology	Rail Future
CPRE	Regenerate Pennine Lancashire
Country Land & Business Association	RenewableUK
Cyclists Touring Club	Ribble Rivers Trust
Defence Infrastructure Organisation	Support the East Lancashire Line Association
East Lancashire Hospitals NHS Trust	SELRAP (Skipton and East Lancashire Rail Action Partnership)
Equality and Human Rights Commission	South Pennines Local Nature Partnership
Forestry Commission	Royal Society for the Protection of Birds (RSPB)
Freight Transport Association	Royal Town Planning Institute
Friends of the Earth	Society for the Protection of Ancient Buildings
Garden History Society	Sport England
Geo Lancashire Group	Sure Start South West Burnley Children's Centre
The Geological Society	Sustainability Action Partnership
Georgian Group	Sustrans
Government Equalities Office	Taywood Nursery School
Great Places Housing Group	The Showman's Guild
The Gypsy Council	Theatres Trust
Health and Safety Executive	Towneley Branch Labour Party
Heritage Trust for the North West	Traffic Commissioner
Home Builders' Federation	The Traveller Movement
Home Office	UK Rainwater Harvesting Association
Home-Start Burnley	University of Central Lancashire
Lancashire Constabulary	Victorian Society
Lancashire Local Nature Partnership	West Lancashire District Council
Lancashire Probation Service	The Woodland Trust
Lancashire Wildlife Trust	Your Eaves Brook
Lancashire Youth Association	Yorkshire Metropolitan Housing Association
Lancashire Local Enterprise Partnership	
Lancashire Environment Forum	

Other consultees	
Lancashire Fire and Rescue Service	
Lancashire Gardens Trust	
Lancashire Pennine Local Medical Committee	



Other formats available on request
• Translation • Large Print • Audio • Braille
Phone 01282 477112

Burnley Borough Council
Policy and Environment
19 Parker Lane, Burnley
BB11 2BY

