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**Appendix: Draft Statement of Community Involvement 2020**

# Statement of Community Involvement

**Draft**

## Statement of Community Involvement

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## **1.0 Introduction**

### **1.1 What is the Statement of Community Involvement?**

The Statement of Community Involvement (SCI) sets out how and when the Council will involve the local community in preparing development plans, processing planning applications and managing development. The SCI also offers information for members of the community looking to prepare a Neighbourhood Plan.

The SCI is designed to enable and encourage communities to play a more active role throughout the planning process in creating places where people want to live, visit and work.

Once finalised, the Council is legally obliged to comply with its SCI.

Under Section 18 of the Planning and Compulsory Purchase Act 2004, we are required to produce a SCI that outlines the Council's strategy for engagement in the preparation and review of planning policy documents, in the consideration of planning applications, and what assistance the Council will offer to anyone wishing to prepare a Neighbouring Plan. This SCI has been produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations).

### **1.2 Why do we review the SCI?**

North Tyneside Council's current SCI was published in September 2013. This document will update and replace it.

Reviewing the SCI allows for the improvement in strategies that allow us to involve the community in planning matters.

### **1.3 Our visions and aims**

North Tyneside Council understands that planning and development can have a great impact on the community. With this in mind, we are committed to informing the local community of what is going on in their area and encouraging participation in the

planning process. Our aim is to give everyone in the local community the opportunity to shape the way planning affects their area.

We have six main objectives to ensure that decisions are made in the best interests of as many people as possible. We will:

- Place the community at the heart of planning decisions.
- Help you to understand planning and will make planning documents more accessible through the use of plain English and provide information on the availability of documents in other formats or languages.
- Provide consistent feedback from the planning process whilst always considering everyone's views.
- Be open, honest and approachable.
- Deliver a flexible planning system, able to respond quickly to changing local circumstances.
- Help to achieve sustainable development.

#### **1.4 How to use this document**

- **Chapter 2** explains what 'community' is and describes the benefits of community involvement. It sets out how the council aims to involve seldom heard groups. This chapter also outlines who the Council has a duty to consult with on planning applications and decisions.
- **Chapter 3** outlines the basic processes of planning policy and how North Tyneside Council's Local Plan is made up, whilst highlighting key policy documents that you can get involved in.
- **Chapter 4** provides more detail of the Local Plan, including the monitoring of policies and notifying you of where you can find more information.
- **Chapter 5** introduces the Government's legislation that encourages communities to have more involvement in planning matters affecting their local area. The chapter details how you can get involved in Neighbourhood Planning and how to set up Neighbourhood Areas and Forums.
- **Chapter 6** explains development management and how you can get involved with decisions on planning applications. It explains who we consult with and who makes the final decisions.



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## 2.0 Community involvement

### 2.1 What is community?

‘Community’, as far as the planning process is concerned, is everyone who lives, works and visits, operates or has common ownership in North Tyneside. The planning process can have major impacts on this community, making it important for it to get involved.

When we talk about community, we mean the whole community. All individuals and groups in the local community have the chance to be involved in the preparation of planning documents and can voice their views on relevant planning applications.

These include:

- Residents
- Ward councillors and MPs
- People who work here
- Community groups
- Seldom heard groups
- Adjoining local authorities
- Interest groups (for example, business, retail, health, environment, tourism)
- Transport companies and bodies
- Statutory bodies and non-statutory bodies (see appendices A and B)
- Visitors

### **Seldom Heard Groups**

The planning system must bring together and reconcile many different views and interests so that it can help deliver a better quality of life for as many people as possible in North Tyneside. North Tyneside Council recognises the needs of everyone, including groups and individuals who are generally less involved in planning decisions and the other work the Council does. We are keen to ensure, through this review, that we make it easier for all individuals to become involved, whatever their circumstances.

In order for everyone to gain access and engage with the planning process, North Tyneside Council already has a number of procedures in place, which includes:

- Equality monitoring as part of our consultation exercises in order to gauge respondent characteristics.
- Easily accessible information on the Council website with computer software that allows people to make comments to a planning proposal online.
- Accessible venues to all with wide ranging opening times.
- Planning officers available during working hours with the ability to carry out home visits if required.

The following list shows our understanding of the potential characteristics of these seldom heard groups and how we might engage with these groups:

<b>Characteristics</b>	<b>Development Management Response</b>	<b>Planning Policy Response</b>
Black and minority ethnic groups	Devise method of data collection to provide information regarding race of customers to allow analysis of the impact of the development management process on these applicants.	<p>Work with the engagement unit to identify key contacts and groups and use networks of local groups to promote consultation and engagement opportunities.</p> <p>Ensure maximum opportunities for people to attend consultation events with a variety of different timings and locations.</p> <p>Advising (by using North Tyneside Council's standard statement) that</p>

		information can be made available in a range of languages.
Religion/ Belief	Constant monitoring of potential impacts.	<p>Work with the engagement unit to identify key contacts and groups and use networks of local groups to promote consultation and engagement opportunities.</p> <p>Ensure maximum opportunities for people to attend consultation events with a variety of different timings and locations that meet cultural requirements.</p>
Older people	<p>Planning applications, comments on applications, pre-planning application queries and queries regarding unauthorised works can be submitted by anyone.</p> <p>Measures are in place to provide access to planning services in accessible locations, online (with staff available to provide telephone guidance) and with</p>	<p>Whilst older age groups are more likely to attend formal events and complete response forms, we will build on established links with Age UK and the older people's forum to ensure their members are aware of engagement and consultation opportunities.</p>

	the ability to carry out home visits.	
Young people and children	Devise method of data collection to provide information on the age of applicants and objectors to allow analysis of the development management process on these groups.	North Tyneside Council has its own Young Mayor who has been elected by young people in the Borough to represent them. There is also a Youth Council made up of 50 youth Councillors who meet monthly.
Those with low levels of literacy/ education	Use of plain English and, where possible, limit the use of jargon whilst advising on what information is available in other formats.	
Refugees and asylum seekers	Via organisations and support groups. Availability of documents in different languages.	
Deprived communities	Free access to online facilities at Customer Service Centres and Quadrant with the availability to print documents upon request.	Via organisations and support groups.  Wider distribution of leaflets/ publicity material.
Adults with mental health issues, learning difficulties or disabilities	Devise method of data collection to provide information regarding disabilities of applicants and objectors to allow analysis of the impact of development management on these groups.	Wider distribution of leaflets/ publicity material.  Availability of documents in large print, Braille or audio on request as well as plain English Translations and access to British Sign Language.

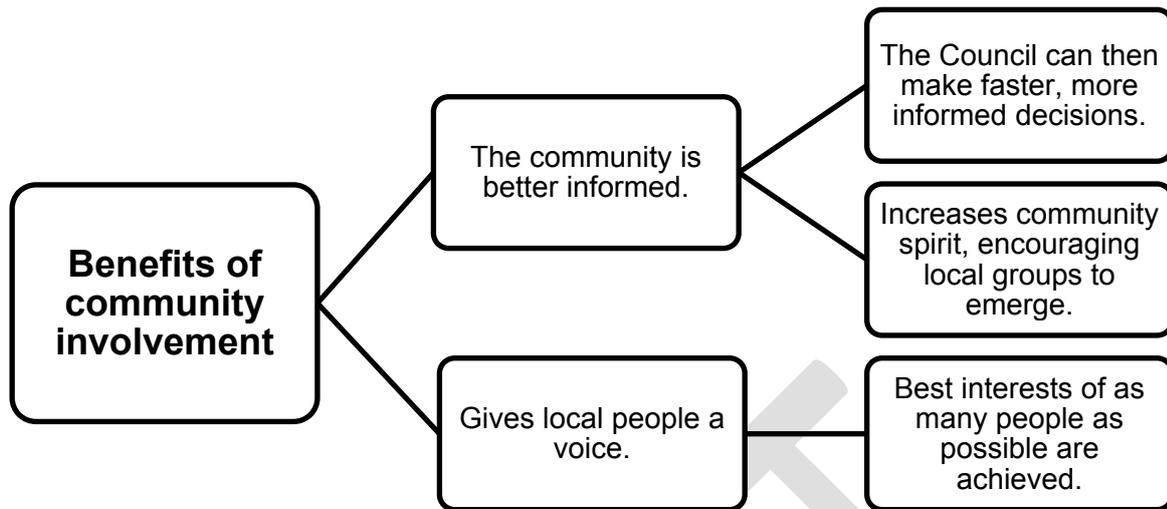
		Consider access arrangements when organising events.
Teenage parents	Hold meetings within the Council's Children's Centres. Target times to coincide with baby groups.	
Maternity/ pregnancy	No potential impacts have been identified on the basis of maternity/ pregnancy but monitoring of use of the services in future may highlight an issue which would then be addressed.	Work with the engagement unit to identify key contacts and groups and use networks of local groups to promote consultation and engagement opportunities.
Youth and adult offenders	Via organisations and support groups.	Via organisations and support groups.  Wider distribution of leaflets/ publicity material.
Gender orientation	Identify key contacts and groups whilst ensuring maximum opportunities for people to attend consultation events with a variety of different timings and locations.	
Sexual orientation	Identify key contacts and groups whilst ensuring maximum opportunities for people to attend consultation events with a variety of different timings and locations.	
Homeless people	Via organisations and support groups.	
Young people in care or leaving care	Via organisations and support groups.	
Carers	Planning services are available online with the ability to carry out home visits for carers that are unable to attend events and meetings.	Wider distribution of leaflets/ publicity material.

Gypsies, Travellers and Travelling Showpeople	Via organisations and support groups.
People without home/workplace internet access	There is free access to the internet within local libraries. Free internet access within Quadrant. Free advice from the planning service. Document availability to print on request.

The Council also plans to use its Residents Panel and the resources provided by the Voluntary Organisations Development Agency (VODA), to aid community involvement:

- **Residents Panel:** The Residents Panel has been set up as part of the Council's commitment to improve engagement with the public. The Panel is made up of volunteers who are asked by the Council to help guide its decisions and policies. The Panel may be used by the planning service to understand what residents think of a particular planning document.
- **VODA:** is a charity providing advice, training, information and support to volunteers, and voluntary and community groups working in North Tyneside. It plays a coordinating role for the many groups in the Borough and is one way in which the planning service can link up with members of the public and find out their ideas. Joint working with VODA in the past has enabled the Voluntary and Community Sector to contribute to the production of key Council documents, such as the Sustainable Community Strategy. For more information, see VODA's website (<http://www.voda.org.uk/>).

## 2.2 Benefits of community involvement



It is accepted that one consensus on a particular issue cannot always be found. Where conflicting views cannot be resolved, the Council will take into account the various points of view and will aim to take a balanced decision based on the full facts.

### **2.3 The Role of local Councillors**

North Tyneside Councillors (or 'Elected Members') are an important part of the community involvement process, acting as community representatives and decision makers. Councillors provide a vital link between the planning service and the community.

### **2.4 Involvement in planning- the three main areas**

There are three main areas of the planning process where you can get involved:

- Local Plans and Supplementary Planning Documents
- Neighbourhood planning
- Planning applications

The following chapters will give more detail on these. Please note that in addition to the three main areas of planning, you are welcome to engage with other planning matters such as the designation of conservation areas, Article 4 Directions and Local Development Orders.

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## **3.0 The basics**

### **3.1 What is planning?**

There is a legal framework set by the Government that underpins the planning system in England that requires each Local Planning Authority (LPA) to prepare a Local Plan.

LPAs, such as North Tyneside, work to improve the welfare of people and their communities through making plans guiding the development that is needed within the local area and where it should go.

### **3.2 How does the planning system work?**

The Local Plan is a set of planning policies to guide developers and decision makers when determining applications for planning permission and other consents. The Local Plan sets out the opportunities for development and clear guidance on what will or will not be permitted and where.

In North Tyneside, the Local Plan is one document. In other areas, several documents known as Development Plan Documents (DPDs) can be published to make up a Local Plan, including Neighbourhood Plans.

Supplementary Planning Documents (SPDs) are documents that do not form part of a Local Plan but will provide extra detail on the policies and allocations within a Local Plan.

### **3.3 Local Plan**

Crucially North Tyneside Council will plan positively in order to meet Government requirements allowing development in the local area to flourish. The Council intends that all interested parties will have the chance to be involved, at different stages in the preparation of the Local Plan.

The Local Plan provides the vision, objectives and spatial strategy, covering the whole Borough. The Local Plan also contains policies that focus on smaller areas

within the Borough, for which significant change or conservation is needed or anticipated. The Policies Map is a visual representation of policies and proposals in the Local Plan.

Local Plans should be reviewed every five years. North Tyneside adopted its most recent Local Plan in 2017. Therefore, a review will take place by 2022. There will be opportunities for the community to be involved in this review.

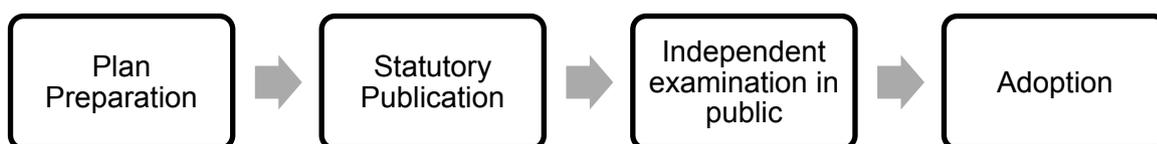
### **3.4 Neighbourhood Development Plans**

The Localism Act makes provision for communities to prepare their own Neighbourhood Development Plans. These plans can set planning policies to guide future development in the area. For more information on Neighbourhood Development Plans please see Chapter 5.

### **3.5 Sustainability Appraisal**

This is a technical process to check that all Development Plan Documents properly consider the current and future social, economic and environmental needs of the area to help inform the final Plan. 'Sustainable' means ensuring that better lives for the current generation does not mean worse lives for future generations. The Sustainability Appraisal will be made public alongside other published documents and will be available for the community to provide input into.

### **3.6 The four key stages to Development Plan Documents**



#### **Plan Preparation**

(Involves gathering evidence and information, and finding out what issues should be dealt with in the DPD)

North Tyneside Council will:

- Fully encourage community participation;
- Invite views on planning issues and options;
- Share knowledge, skills, experiences, needs and wishes;
- Contact you directly if you are on our Planning consultation database; and
- Notify all our statutory consultees (Natural England, Historic England and the Environment Agency, see Appendix B for further details).

You can:

- Ask to be added to our Planning consultation database at any time by contacting us on:  
Tel: 0191 643 2310  
Email: [planning.policy@northtyneside.gov.uk](mailto:planning.policy@northtyneside.gov.uk)

### **Statutory Publication**

(After plan preparation, the Council will approve a draft of the DPD for publication. Once it is published, there is a statutory consultation period of at least six weeks during which anyone can make formal comments)

North Tyneside Council will:

- Publish a draft DPD and Sustainability Appraisal;
- Notified you where the documents can be viewed;
- Invite representations and collate them for submission; and
- Produce a report of consultation so that everyone can view what comments have been made and how the Council intends to react to those comments.

You can:

- Share ideas and issues during the consultation period.
- Influence decision making.

### **Independent Examination in Public**

(The Council will then submit the draft DPD and Statement of Consultation to Government)

North Tyneside Council will:

- Give notification that a DPD has been submitted and where you can view it;
- Engage in a public examination of the Plan held by an independent planning inspector;
- Give notice of arrangements and timings of public examinations;
- Notify directly those who have lodged formal objections; and
- Offer advice on the public examination process and rights to speak at the examination.

You can:

- Attend public examinations
- View the DPD that has been submitted.

### **Adoption**

(After examination, if the document has been found 'sound' it is then formally adopted by the Council)

North Tyneside Council will:

- Adopt and publish the Plan, Sustainability Appraisal and Adoption Statement.

You can:

- If you feel that the decision on the adoption of the DPD was wrong, you may have grounds for application to the High Court for a judicial review.
- View regular monitoring reports and see what the DPD is achieving for the community.

### **3.7 Supplementary Planning Documents**

The Council has produced a number of Supplementary Planning Documents (SPDs) that provide additional guidance to policies within the Local Plan and cover a wide range of issues, usually focusing on a particular matter or place.

The main opportunity to contribute will usually be when a draft version of an SPD is published for consultation. Consultation periods can be between four and six weeks.

Following consultation and any resulting changes to the SPD, the Council's Cabinet will approve a final version of an SPD as no examination by an independent inspector is needed.

SPDs may need to be subject to Strategic Environment Assessment (SEA), depending on their content. SEA considers the environmental impact of a plan, policy or proposal. It is possible for a Council to make a judgement on whether a full SEA is required or not, which would then be subject to the advice of statutory consultees.

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## **4.0 Getting involved in the planning policy process**

### **4.1 When will North Tyneside Council consult on planning policy documents?**

The North Tyneside Local Plan was adopted in 2017. In accordance with the National Planning Policy Framework, the Local Plan will be reviewed after five years. Subject to this review the Council may decide to amend part, or all, of the Local Plan. This process will include full public consultation. The Local Plan is subject to annual monitoring to ensure the policies are effective. This monitoring is reported to Cabinet every year and may trigger an early review of part of or the whole of the Local Plan if any part of the Plan is proving ineffective.

The Council have produced, and will continue to review, a suite of SPDs to support the Local Plan, each of which will be subject to consultation.

The most up-to-date timetable for the publication of planning policy documents including when consultations are expected to occur can be found in the Local Development Scheme, which can be found on the Planning Policy pages of the Council's website at <http://my.northtyneside.gov.uk/category/1149/planning-policy-timetable-and-consultation-guidance>

### **4.2 Who do we consult?**

North Tyneside Council are required by Government to consult 'specific consultation bodies' and 'general consultation bodies', where they are likely to be affected by anything contained in a planning document. These bodies are outlined in Appendix B. The Council have, and will continue to, consult with people and organisations that do not fit into the 'specific' and 'general' categories.

### **4.3 Duty to co-operate with neighbouring authorities**

Whilst North Tyneside Council has always consulted with neighbouring authorities such as Newcastle City Council, the Localism Act 2011 sets out a 'duty to co-operate' on strategic planning matters that are larger than local (such as transport infrastructure), requiring LPAs to formally co-operate with neighbouring authorities.

Our neighbouring authorities are at different stages of plan preparation. It is important that the Council continue this co-operation so that we are aware of any important proposed policies or allocations that could affect our community.

#### **4.4 How will we engage the community?**

We will use a wide range of methods to encourage early engagement. These methods will include some of the following:

- North Tyneside Planning website - The Council's website is a major source of information. It allows for simple distribution of information as well as more complex surveys and interactive consultation on documents.
- The Press - Local newspapers and the Council's magazine (delivered to every home) will often be used to give wide notification of the publication of planning policy documents and opportunities for you to contribute your views.
- Public Exhibitions – Where and when possible to be held, we will host exhibitions in public places to provide clearly displayed information, encouraging people to become involved in the planning process who may not otherwise have been aware of such proposals. There also may be the opportunity for the public to discuss issues with planning officers who will be present at pre-specified times.
- Social media and online engagement / webinars – The Council shares information about its plans and proposals across a range of social media platforms and via its website (<http://my.northtyneside.gov.uk> ). The opportunity to undertake direct engagement with residents and stakeholders using web based video conferencing tools will also be considered – especially when other forms of public meetings are not possible. Opportunities to use such tools to facilitate public debate and discussion will be explored.
- Questionnaires - Questionnaires are a good way for us to gauge public opinion and seek feedback on different options. If the Council asks particular questions about a document, it can make it easier to think about the main issues and respond more easily.
- Your Local Councillor and MP - Councillors have roles as decision makers and as community representatives. Ward surgeries offer one means of expressing your ideas or concerns to your local Councillor. They can then

provide feedback to planning officers. However, if you want your views to be formally considered, you must still make them in writing directly to the planning department.

#### **4.5 Document availability**

The Council will ensure that Local Plans and SPDs are widely available. The documents will be:

- Placed on the Council's website for viewing with the option to download.
- Made available at Council offices and public libraries at times when such buildings are open to the public.
- Sold at a reasonable charge in accordance with the Town & Country Planning (Local Planning) (England) Regulations 2012.
- During times of restricted travel and/or social distancing the Council will ensure residents who are unable to access core consultation documents by any other means are, where it is reasonable to do so, are provided with copies upon request.

#### **4.6 Feedback**

North Tyneside Council will consider all comments received as a result of consultation exercises and will publish responses to key issues raised when decisions are made, informing all respondents. Anyone who makes comments on any draft of the Local Plan or SPDs will, if they wish, be kept informed of decisions at the subsequent stages of the preparation process.

A Statement of Consultation accompanies all DPDs and SPDs to explain how the documents have carried out the relevant requirements set out in this SCI.

## **5.0 Neighbourhood planning**

### **5.1 What is it all about?**

Neighbourhood planning gives communities direct power in the development and growth of their local area. They are able to better manage where new homes, shops and offices should be built, have their say on what new buildings should look like, what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Neighbourhood planning enables local people to set up a Neighbourhood Forum (as 'qualifying bodies'), have their area designated as a Neighbourhood Area and for ideas for local development to be included within a Neighbourhood Plan.

The Localism Act allows communities to develop Neighbourhood Development Orders. These grant planning permission for particular development in a particular neighbourhood area. The Community Right to Build Order is a type of Neighbourhood Development Order focusing on new build.

Neighbourhood planning is not led by the local authority. The Localism Act makes it the responsibility of the qualifying body –the Neighbourhood Forum – to initiate and undertake neighbourhood planning within a designated Neighbourhood Area. The LPA's role is to advise, manage and support the process.

Neighbourhood Plans and Development Orders are a positive tool to encourage development and cannot be used to block the building of new homes and/or businesses.

## **5.2 Who takes charge of neighbourhood planning?**

Whilst Neighbourhood Plans and Neighbourhood Development Orders will not be prepared by North Tyneside Council we will offer support. The Neighbourhood Forum will prepare the Neighbourhood Plan.

Neighbourhood plans must be in accordance with the Council's Local Plan and must be about enabling – rather than restricting development.

## **5.3 How do I get involved in a Neighbourhood Forum?**

- Approach local community groups or leaders within your area to find out if there are any similar interests in neighbourhood planning.
- Talk to the Council's Community Engagement team as they may be able to facilitate communication between different groups.
- Once contacts have been made, your group should then apply to the Council to agree to a Neighbourhood Forum and Area being set up.
- Please note there can only be one Neighbourhood Forum in one Neighbourhood Area.

## **5.4 How will the Council support Neighbourhood Forums**

North Tyneside Council is responsible for fulfilling its statutory requirements and providing proportionate advice and assistance in respect to neighbourhood planning matters.

The Council will fulfil its statutory neighbourhood planning obligations, including dealing with matters in a timely fashion, as required by planning regulations, which include (but are not limited to):

- For Neighbourhood Area and Neighbourhood Forum designations - In accordance with the timescales as required by the Regulations after receiving the Neighbourhood Area or Forum application, determine its acceptability, publicise and consult (when required). Where appropriate, the Council will formally designate the Neighbourhood Area or Forum and publicise it on its website.

- At Pre-Submission Plan stage - Whilst the Neighbourhood Forum will carry out the pre-submission consultation and publicity, the Council will support as necessary including checking the conformity of the draft Plan with the NPPF and the existing or emerging Local Plan.
- At Submission Plan stage - When the Neighbourhood Forum submits the draft Plan and other relevant documentation to the Council, the Council will publicise the submitted Neighbourhood Plan and other relevant documentation. The Council will invite representations on the draft Plan in line with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- Preparing for Examination - The Council will appoint an Independent Examiner in agreement with the Neighbourhood Forum. The Council will undertake final checks for legal compliance, followed by submission of the draft Neighbourhood Plan and supporting documents (including any representations made in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012) to examination which will be funded by the Council.
- Examiner's Report - The Council will consider the recommendations of the Examiner's Report. The Council will check that the draft Neighbourhood Plan meets the Basic Conditions and will arrange the publication of the Decision Statement.
- Referendum - Any referendums will be arranged and funded by the Council in accordance with The Neighbourhood Planning (Referendums) Regulations 2012 (as amended).
- Publicising a Neighbourhood Plan - The Council will publicise the adoption of the Neighbourhood Plan.

The preparation of neighbourhood planning documents will require the Neighbourhood Forum to access various sources of information and deal with, in some cases, complex matters. To help with this requirement, the Council will provide support and advice through:

- The provision of links to the evidence used by the Council in preparing the Local Plan.

- The provision of population and other statistical information, where it is available.
- The provision of Base Maps (subject to mapping contractor licence) that can be in preparing plans and give advice on copyright issues with the Ordnance Survey.
- Advising on consultation methods and questionnaire format.
- The provision of advice on regulations and legislation.
- Advising on compliance with the Equality Act 2010, including advice on carrying out an Equality Impact Assessment, where required.
- Either preparing or reviewing a screening opinion document along with its statutory consultation in relation to possible requirements for Strategic Environmental Assessment and Appropriate Assessment at the earliest opportunity.
- Commenting on emerging drafts of the Neighbourhood Plan and other relevant documents including advising on the conformity of the documents with national and local planning policy.
- Offering and undertaking a 'Health Check' on a full draft Plan prior to the Forum consulting at Regulation 14 stage and prior to Plan submission.
- Advising on the suitability of the Consultation Statement.

The list above is not exhaustive, other issues may arise during the preparation of a Neighbourhood Plan.

#### **5.4.3 Work that the Council will not support**

North Tyneside Council is committed to carrying out its role in line with national requirements. There are certain matters for the Neighbourhood Forum to address themselves that the Council will not support, namely:

- Carrying out primary research or surveys (although the Council can assist in preparation of briefs for such work).
- Preparing the document(s), although we can give guidance on generic policy writing.
- Undertaking the Strategic Environmental Assessment or Appropriate Assessment (if determined necessary by the Screening Opinion) without prior

agreement. This is a chargeable service and is dependent on available officer capacity. However, we will freely advise on how to undertake any necessary assessments and whether they are fit for purpose.

- Attending every meeting and consultation event (although officers will attend appropriate meetings and events).
- Direct financial support other than for examination and referendum.

There is no obligation on the Council to offer financial support for Neighbourhood Planning and we regret that we are unable to do so. However, the Government also provides some financial support for communities who choose to prepare Neighbourhood Plans in the form of grants (and in some instances technical support). Information on how to apply is available at:

<https://neighbourhoodplanning.org/>

## **5.5 Community engagement in neighbourhood planning**

A Neighbourhood Plan should be community-led. That means researched, written and voted on by the people who live and work in the neighbourhood.

In order for a Neighbourhood Plan to be adopted and brought into force, it must be demonstrated that the community have been engaged in the process and consulted about policies in the emerging Plan.

Consultation is necessary and important for several reasons:

- It is a statutory requirement of the Localism Act 2011 and the Neighbourhood Planning Regulations;
- Early engagement is essential for developing political consensus and avoiding misconceptions;
- It is part of developing the evidence base (front loading);
- It helps achieve better informed outcomes (a community knows its own area/locality);
- It leads to more realistic and deliverable plans/policies;
- Public confidence and support need to be maintained;
- It helps to avoid conflict, delay and cost at later stages; and

- It reduces the possibility of a 'no' vote in the local referendum if people are aware of the Plan and have had the opportunity to participate in its production.

There are several formal and informal stages of consultation. The Council can offer advice on how to comply with each stage and how to achieve good consultation. Additionally, the Government has produced guidance available at:

<https://neighbourhoodplanning.org/>

### **5.6 Further advice**

For further guidance on all aspects of neighbourhood planning and the process of producing a Neighbourhood Plan, please feel free to contact the Council's planning department.

Alternatively, comprehensive guidance published by the Government can be viewed at: <https://neighbourhoodplanning.org/>

## **6.0 Getting involved in the development management process**

The community can get involved with planning applications received and determined by the Council. A community or individual can comment on any planning application. The level and extent of consultation on proposed developments varies depending on a number of different factors including size, location and nature of the proposed development.

### **6.1 What is development management?**

Development management is the aspect of the planning system many people will have previously encountered. For example, you may have received a letter inviting you to comment on a neighbour's proposed house extension or on the proposed change of use of a nearby building. Most new buildings, significant changes to existing buildings, many changes of use, and new large advertisements need consent known as planning permission. Consent is also required for altering listed buildings.

The development management system requires planning applications to be determined in accordance with the Development Plan (that is, the Local Plan), but also taking into account any other material considerations including national planning guidance.

### **6.2 The pre-application stage**

North Tyneside Council encourages pre-application discussions with a developer before an application is submitted, and for a fee offers a pre-application advice service to all potential applicants. The main purpose of undertaking pre-application discussions is to ensure that future development does not harm the built and natural environment. In addition, North Tyneside Council has a duty to ensure it assesses development proposals positively and suggest ways in which any unacceptable development can be made acceptable.

Council officers can provide guidance on how to improve plans and ensure that they meet with national and local policies. Developers are also advised at an early stage of what other supporting information will be needed for the Council to properly consider their application.

North Tyneside Council will not consult local communities on pre-application proposals and expect a developer to carry out consultation where appropriate. The Council will consult other relevant teams within the Council for their views.

In some cases, the Council will approach a statutory or general consultee at pre-application stage. This is judged on a case-by-case basis where there might be a specific interest, for example, an area of known flooding, a designated heritage asset, or a designated wildlife site.

### **6.3 The duty for developers to consult local communities**

North Tyneside Council has always supported and encouraged pre-application consultation with the local community on major planning applications.

Pre-application engagement with the community is encouraged where it will add value to the process and the outcome. However, pre-application consultation is only mandatory for planning applications for wind turbine development involving more than two turbines or where the hub height of any turbine exceeds 15 metres.

Where any community consultation is undertaken, developers should not only consult but acknowledge any comments or responses they receive from the community or individuals and decide whether to make changes to their proposals before they submit their planning applications.

Communities do not have the power over whether a planning application can be submitted to the Council or not. They will however be able to raise issues for the developer to consider and make suggestions that could improve the development and reduce its impact upon the neighbourhood. The results of pre-application

community consultation should be included in the planning application, and form part of the planning application process.

North Tyneside Council cannot refuse to accept valid planning applications because they disagree with the way in which an applicant has consulted the community. However, good early consultation it is in the best interests of the applicant, as it could avoid later objections being made which could lead to the refusal of the planning application.

#### **6.4 Who we consult with on planning applications**

As well as the local public, consultation on planning applications will be undertaken with statutory consultees and non-statutory consultees as required by the Government (See Appendix B).

Whilst 21 days will usually be allowed for a response it should be noted that some bodies may be allowed longer periods of time to comment on applications where this is appropriate.

If you want to make a formal representation you must do so in writing either by post or email within 21 days from the date on the notification letter. Remember your representation must be based on material considerations – that is, relevant planning matters.

#### **6.5 Considering the planning application**

For most applications, a decision must be reached by the LPA within eight weeks. For major applications, such as those schemes for over ten houses, or where more than 1,000 square metres of new building is being proposed, the LPA has 13 weeks to consider the application. The period to consider a major application can be extended where the Council and the applicant have entered into what is known as a Planning Performance Agreement. This can also allow more time for public consultation on an application.

An Environmental Impact Assessment (EIA) is only required for nationally defined large-scale developments. An EIA is undertaken by the developer and is submitted to the LPA when the developer applies for planning permission. An EIA can include an assessment of range of impacts such as the social, economic and environmental effects of a development and will identify what remedial measures may be necessary to counter any negative impacts. EIAs are subject to specific regulations that will affect consultation on an application and the length of time given to the authority to consider the application. Further advice on EIAs can be sought from the planning team.

It is a part of the process for considering major application that the case officer will assess whether it is appropriate for a scheme to be subject of a planning obligation. A planning obligation is a legal agreement most often used to commit a developer to provide contributions to address the environmental, social, cultural and economic impacts arising from their new development, either in kind (for example, by providing children's play equipment or new planting on the site) or as a financial contribution. The ability and willingness of a developer to enter into a legal agreement to address the impacts of their development is a material planning consideration when determining the application.

Many proposals for residential or commercial development will be subject to the Community Infrastructure Levy (CIL). CIL is a financial contribution paid by the developer to support the infrastructure that their development will depend on. The Council has a CIL Charging Schedule that sets out the levels of contribution required of a development.

## **6.6 Decision making**

Most applications are determined by planning officers under delegated powers; this applies mostly to non-controversial applications for minor development such as house extensions, fences, and small extensions to commercial buildings.

In considering the application, the planning case officer will write a report detailing the main planning issues relevant to the case, the results of consultations and any

relevant national and local policies. As part of the report, the officer will make a recommendation as to whether the application should be refused or approved, with reasons given for the recommendation and, if recommended for approval, details of any conditions that need to be attached to the permission. The recommendation report can be viewed on the Council's website once the application is determined.

All major planning applications and some controversial minor applications where there is greater public interest or environmental concern are determined by the Planning Committee. The Planning Committee is a panel of local councillors who will determine the application on behalf of the Council. They will decide whether they agree with the officer's recommendation or to overturn the recommendation. Where the Committee considers it necessary, it will defer a decision until after a site inspection has been carried out by a panel of councillors. Case officer's reports for applications being reported to Planning Committee can be viewed on the council website up to one week before the meeting.

Members of the public can ask for the right to speak either in favour or against planning applications at Planning Committee. If granted, this will allow the member of public or their representative to address the Planning Committee for a maximum of 5 minutes before the application is determined. If you wish to request the opportunity to speak you must do this in writing within 21 days from the date of the notification letter or statutory notice explaining the reasons why you feel your request should be granted. Where a member of the public has been given the right to speak, the applicant will be given the right to respond, again for a maximum of 5 minutes. Where there is more than one member of the public wishing to speak on a single application, either for or against, they will be requested to appoint a single representative to speak. Normally only one person will be allowed to speak in opposition and one in support of an application. More information is found in the "Guidance: Planning committee speaking rights" on the Council website:

<https://my.northtyneside.gov.uk/category/1081/planning-committee>

Should planning committee not be able to meet as planned at any point in the future appropriate arrangements would be made to extend the scheme of delegation for decision making and comply with any legislation supporting virtual meetings.

Amended speaking rights will be in place when meetings are held in this format, information for which is available via the link above and the specific arrangements in place can be discussed with the planning team.

Whether the planning application is determined at Planning Committee or under delegated powers, all members of the public and other consultees who submit written representations are informed, in writing, of the decision on a planning application.

The decision notice will state the agreed proposal and may also contain conditions that the proposal must adhere to. If the application was unsuccessful, the decision notice will state the reason why the application has been refused. At this point the applicant may decide to appeal against the decision or against the imposition of any conditions. The Council (in accordance with the Town and Country Planning General Development Order 1995) is required to give reasons for all decisions made on planning applications.

### **6.7 How you will be informed of planning applications**

The Planning and Compulsory Purchase Act 2004 requires that before a decision is made on a planning application, statutory consultees (See Appendix B) and the local community should have the opportunity to comment on any aspect of the proposal.

To begin the process of consultation, all consultees will be given 21 days to respond to planning applications. However, due to legislation we are required to give some statutory consultees a longer period of time to comment on planning applications. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Please note that you find details of all current planning applications, for any type of application on the public access system on the Council's website. You can search for and comment on any current application.

All planning applications are publicised by site or press notice or by notifying adjoining neighbours directly by letter and by publication on the Council's web site. The term "adjoining owner or occupier" is defined as any owner or occupier of any land adjoining or opposite (in appropriate circumstances) the land to which the application relates.

Further discretionary site notices may be carried out for applications likely to generate wider interest, including proposals:

- that may affect nearby properties by causing noise, smell, vibration, dust or other nuisance;
- that are likely to introduce significant change to the character of an area, for example large structures; or
- that are on a significant scale likely to attract additional crowds or traffic.

Major development proposals are also publicised by placing an advertisement in a local newspaper and by displaying a site notice or notifying neighbouring properties.

Major development refers to the following:

- erection of housing development of 10 or more dwellings or housing development on a site of 0.5 hectares or more;
- erection of other development creating 1,000 square metres or more floorspace or other development on a site of 1 hectare or more; or
- mineral working or waste development.

We also place a notice in a local newspaper and display a site notice for the following:

- applications that are accompanied by an environmental statement;
- applications that do not accord with the development plan;
- applications that would affect a public right of way;
- development affecting the setting of a listed building;
- development affecting the character or appearance of a conservation area; or
- applications for listed building consent - grade I, II\* (all works) and grade II (external works).

## **6.8 Planning appeals**

If a planning application is refused permission, the applicant can appeal to the Secretary of State, who asks the independent Planning Inspectorate to make the decision in almost all cases. Appeals can also be made against a 'non-determination' i.e. if a decision has not been reached within the target 8 weeks (or 13 for a major application).

Appeals can take the form of written representations, hearings or public inquiries. If you have already commented on an application, or you live close to an appeal site, you will be made aware of the appeal and how and if you can make further representations to the Planning Inspectorate. In all cases, all previous representations received by the Council on the case are sent to the Inspectorate. Appeal decisions by the inspector or Secretary of State are published on the Council website. The timescale for an appeal varies and is outside the control of the Council. Further guidance on the appeals process is provided by the Government at the following website <https://www.gov.uk/topic/planning-development/planning-permission-appeals>

## **6.9 Community involvement in enforcement**

Planning enforcement is used to describe the process involved in making sure people comply with planning law.

Reports of alleged breaches of planning control can be made to the planning team via a number of sources, for example through Councillors, officers and directly from members of the public. All complaints are treated confidentially by North Tyneside Council; however, a name and address of the complainant must be provided. Whilst there is no consultation with the community by the planning team when it deals with enforcement cases, the Council will ensure that the complainant is advised of the result of the investigations into any alleged breaches of planning control. After an investigation has been carried out, and if this results in the submission of a planning application, the community can become involved, like any other planning application.

For more information on planning enforcement please see the following link:

<https://my.northtyneside.gov.uk/category/1072/planning-enforcement>

## **6.10 Permission in Principle**

Permission in Principle (PiP) is a new form of planning consent, which establishes the principle of development on sites. Local Authorities are required to maintain a Brownfield Land Register (Part 1), which is a library of brownfield sites that have potential for housing (or housing-led) development. Suitable sites from this list can be granted a PiP by being added to Part 2 of the Register.

Developers can also apply for PiP for small-scale residential development (i.e. sites with less than 10 houses, buildings with less than 1,000 square metres of floor space or sites of less than 1 hectare). Though development involving an Environmental Impact Assessment or Habitats Regulations Assessment cannot be considered through this route.

The Brownfield Land Register Regulations (2017) set out the publicity and consultation requirements for sites that are considered for a PiP, and then added to Part 2 of the Register.

In summary, the main consultation requirements include:

- Publicity by site notice and on the Council's website for not less than 21 days.
- Notify relevant bodies if certain conditions apply within 10m of railway land
- If specific requests have been made by Parish Councils or Neighbourhood Forums, at the discretion of the LPA any person, body or authority that the authority considers appropriate should be informed.
- Respondents have 21 days from the publication of the notice in which to make their comments.

Publicity and consultation requirements for applications for PiP are set out in The Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The procedures are very similar to that of a standard planning application and the Council

intends to consult in the same manner that it would for a standard application. There are some exceptions to this:

- a site notice is mandatory for all PiP applications;
- the consultation period is only 14 days; and
- applications must be determined in five weeks of validation by the Council.

### **6.11 Further information**

As well as site notifications, online updates and press adverts, you may also find it interesting to know that details of all planning applications are also made available in the following ways should you wish to comment:

- At times when Council buildings are open to visits by members of the public:
  - The Planning Reception at the Council Offices at Quadrant is open between on Mondays and Fridays from 08:30 to 13:00 and Wednesdays 13:00 to 17:00. If you need information or advice, you can talk informally with an officer between these times. Planning applications and amendments to applications can be viewed online with the assistance of a planning officer if you wish
  - At your local Library you can use the computers to access our website and view planning applications and make online comments.
- Weekly lists of planning applications we have received are published on the Council's website at <http://idoxpublicaccess.northtyneside.gov.uk/online-applications/> Weekly lists can also be posted to groups or individuals at a charge.
- You can comment on and submit your own applications via the Council website.
- Telephoning the Planning enquiry line is another way of seeking information or advice on planning applications. The number is 0191 643 2310. The line is staffed between the hours of 13:00 and 17:00 on Mondays and Thursdays and between 08:30 and 13:00 on Tuesdays and Wednesdays. On Fridays the line is open 08:30 to 13:00. Outside of these times a message can be left on the voice mail.

A range of documents are available at the Planning Reception, when it is open to the public, or on the website that give more detail about various aspects of the development management process.

## **7.0 Monitoring and review of the SCI**

It is important that SCIs are kept up-to-date to ensure effective community involvement at all stages of the planning process. Monitoring also ensures that the requirements laid out in this document have been met and allows for review and improvement.

In accordance with paragraph 71 of Planning Practice Guidance on Plan-making the SCI must be reviewed every five years from adoption date.

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## **APPENDIX A: Consultees**

### **Consultees for the Local Plan**

#### **Specific Consultation Bodies**

In accordance with the Town and Country Planning (Local Development) (England) Regulations 2012, the following consultation bodies must be consulted where they will be affected by what is proposed in the development plan document:

- the Coal Authority,
- the Environment Agency,
- the Historic Buildings and Monuments Commission for England (Historic England),
- Natural England,
- Network Rail,
- the Highways Agency,
- a relevant authority any part of whose area is in or adjoins the area of the LPA,
- any person—
  - to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
  - who owns or controls electronic communications apparatus situated in any part of the area of the LPA,
- if it exercises functions in any part of the LPA's area—
  - a Primary Care Trust,
  - a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989,
  - a person to whom a licence has been granted under section 7(2) of the Gas Act 1986,
  - a sewerage undertaker,
  - a water undertaker;
- the Homes and Communities Agency.

#### **General Consultation Bodies**

The Town and Country Planning (Local Development) (England) Regulations 2012 state that in addition to the specific consultation bodies, the Planning Department should consult with general consultation bodies, including:

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

Resident associations will be included in the voluntary bodies category. The organisations identified within the above interest groups will be by no means exclusive and it is recognised that the Council's consultation database will evolve as new bodies are formed and existing ones cease to be active.

The Council will also consult as a matter of course all those residents, business and other organisations who have requested to be kept informed through previous consultations.

## **Consultees for planning applications**

### **Statutory Consultees**

Statutory consultees are organisations and bodies, defined by statute, who must be consulted on relevant planning applications. An up-to-date list is provided on the Government's Planning Practice Guidance website:

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>. Note that not all bodies in this list are relevant in North Tyneside.

Please note all statutory consultees are not consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order:

<http://www.legislation.gov.uk/ukxi/2015/595/contents/made>

### **General Consultees**

Similarly to consultation on Local Plans, the Council consults a raft of general bodies on planning applications.

These include (but are not limited to);

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

*These lists are correct at the time of writing, reference should always be made to the relevant legislation for a full and precise wording.*

## APPENDIX B: Glossary

The key elements of the Local Plan are set out in Chapter 4 of this document. Other important planning words and phrases are listed below. You may find these helpful in understanding some of the terms and names used in this and other planning documents. Annex 2 of the National Planning Policy Framework provides a technical glossary of many planning terms <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>.

**Adoption:** The final confirmation of a Development Plan Document (or other local development document) as having statutory status by a LPA, in this case, North Tyneside Council.

**Article 4 Directions:** This is made by a LPA in the and confirmed by the Government. It serves to restrict permitted development rights, which means that some development that usually does not require planning permission would do. It does not in itself prohibit development but means that a landowner is required to seek planning consent whereas without the Direction this would not be necessary.

**Conformity:** Government requires that the Local Plan be ‘in conformity’ with the National Planning Policy Framework. Likewise, Supplementary Planning Documents and Neighbourhood Plans must be in conformity with the Local Plan.

**Conservation area:** Areas of special architectural or historical interest, the character, appearance or setting of which it is desirable to preserve or enhance.

**Delegated powers:** One of the ways in which Councils are encouraged to make the determination of planning applications more efficient is by allowing some decisions to be made by planning officers, without requiring Councillors on the Planning Committee to consider every case.

**Development:** Development is defined under the 1990 Town and Country Planning Act as “the carrying out of building, engineering, mining or other operation in, on,

over or under land, or the making of any material change in the use of any building or other land”. Many forms of development require planning permission.

**Environmental Impact Assessment (EIA):** Likely to be required for nationally defined large-scale developments. Undertaken by the developer when applying for planning permission, the EIA assesses the social, economic and environmental impacts of the development and identifies what remedial measures may be necessary to counter any negative impacts. Used as an informative to decision-making rather than a determinant of whether permission should be granted.

**Examination:** Every Development Plan Document must be submitted to Government for independent examination to consider whether it is sound. The Government appoints an inspector to conduct the examination. They will consider all of the written representations made through the Plan preparation.

**Government (role of, in development plans):** The role of the Government in local planning is to:

- Establish the national legislative and statutory framework within which LPAs work set out national policy (National Planning Policy Framework) and guidance that require local authorities to produce the Local Plan,
- To monitor performance against nationally-set targets,
- To provide guidance, comments and encouragement,
- To intervene (if necessary) and stop plans that are unsatisfactory.

**Listed building:** A building of special architectural or historical interest and protected by law.

**Local Development Orders (LDOs):** were introduced with the Planning and Compulsory Purchase Act 2004 and allow local authorities to extend permitted development rights for certain forms of development with regard to a relevant local development document. LDOs are a means for the planning system to incentivise development in a way that meets a whole range of locally specific policy objectives.

**Local Planning Authority (LPA):** A local authority that is empowered by law to exercise planning functions, in this case, North Tyneside Council.

**Material considerations:** These are factors which are 'material' (i.e. relevant) to planning that the Council is allowed by law to take into account in making decisions. Although there is no definition in legislation, case law has said that considerations that relate to the use and development of land such as noise, infrastructure, amenity, design and traffic, as well as all relevant planning policy documents, the nature of the site and surroundings, and all representations made are all material considerations.

**Planning Committee:** The decision-making body of a local authority made up of elected Councillors that makes decisions on major, or controversial, planning applications not delegated to officers.

**Planning Inspectorate:** The Government agency that is responsible for the processing of planning appeals and the holding of public examinations into Local Plans.

**Statement of Consultation:** A report explaining how the process of planning policy document production has complied with the Statement of Community Involvement.

**Strategic Environment Assessment (SEA):** Is a systematic decision support process, aiming to ensure that environmental and possibly other sustainability aspects are considered effectively in policy, plan and programme making.

**Sustainable Community Strategy:** A strategy prepared by the North Tyneside Strategic Partnership to provide a vision for the area and a series of actions to help deliver that vision. The North Tyneside Strategic Partnership is made up of a number of organisations who have an interest in North Tyneside, for example Northumbria Policy, the Primary Care Trust, and the North Tyneside Voluntary Organisations Development Agency (VODA) (see <http://www.northtynesidejsna.org.uk/wp-content/uploads/2010/08/NTC-Sustainable-Communities-Strategy-2010-13.pdf>).

**Sustainable development:** "Development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs" (Brundtland Report, WCED, 1987). The Government has the following main objectives for sustainable development: social progress which recognises the needs of everyone, effective protection of the environment, the prudent use of natural resources, and the maintenance of high and stable levels of economic growth and employment.

**Written representations:** Comments made formally in writing to North Tyneside Council or the Planning Inspectorate on applications, appeals or planning policy documents.

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## CONTACT US

If you would like further support in understanding or have any questions regarding the Statement of Community Involvement, please contact the Planning Policy team at:

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