

## **Appendix 1:**

# **Statement of Community Involvement August 2013**

(non formatted version for Cabinet)

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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 and processing planning applications and controlling development.

The Statement of Community Involvement is one element that makes up the Local Plan. It 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 and work.

The council is legally obliged to comply with its statement of community involvement, once it is finalised.

### 1.2 Why do we review the SCI?

North Tyneside Council's current SCI was published in May 2010. This document is seeking to update and replace it.

Over recent years significant changes have been made to the planning system which means that changes also need to be made to the SCI. Reviewing the SCI also allows the improvement in strategies which 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.

With this in mind we have six main objectives to ensure that decisions are made in the best interests of as many people as possible. Therefore 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.
- 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 Summary of the main changes within this SCI

The Localism Act 2011 has resulted in a number of changes being made to this SCI:

- Developers are now required to carry out pre-application public consultation for major developments. Before the Act, the planning authority could only encourage this pre-application consultation.
- Communities now have the option to set up Neighbourhood areas and forums, giving communities new powers to write their own development plan .

- North Tyneside Council now has a statutory duty to co-operate with neighbouring authorities in drawing up development plans.
- Recent legislation changes require an applicant for development consent to prepare and publish a statement setting out how the applicant proposes to consult local people about a proposed application.

### **1.5 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 hard-to-reach 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 which you can get involved in.
- **Chapter 4** provides more detail of the local plan, outlining who we consult and when, whilst also notifying you where you can find more information.
- **Chapter 5** introduces the government's new legislation which encourages communities to have more involvement in what goes on in their local area. The chapter details how you can get involved in Neighbourhood Planning, how to set up Neighbourhood Areas and Forums
- **Chapter 6** explains development management and how you can get involved. In addition it explains who we consult with and who makes the final decisions.
- **Chapter 7** details how North Tyneside Council intends to enable community involvement and how it will be resourced.

## 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. Many 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
- Hard to Reach Groups
- Adjoining local Authorities
- Interest groups (e.g. business, retail, health, environment, tourism)
- Transport companies and bodies
- Statutory bodies and Non- Statutory bodies (see Appendices A and B)
- Visitors

### Hard to Reach Groups

Some groups are easier to reach than others. 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 considered 'hard to reach'. 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 set 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 'hard to reach' 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	Work with the engagement unit to identify key contacts and groups and

	of customers to allow analysis of the impact of the development management process on these applicants.	use networks of local groups to promote consultation and engagement opportunities.  Ensure maximum opportunities for people to attend consultation events with a variety of different timings and locations.
Religion/ Belief	Constant monitoring of potential impacts.	Work with the engagement unit to identify key contacts and groups and use networks of local groups to promote consultation and engagement opportunities.  Ensure maximum opportunities for people to attend consultation events with a variety of different timings and locations.
Elderly	Planning applications, comments on applications, pre-planning application queries and queries regarding unauthorised works can be submitted by anyone. Measures are in place to provide access to planning services in accessible locations, online (with staff available to provide telephone guidance) and with the ability to carry out home visits.	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 older people's forum to ensure their members are aware of engagement and consultation opportunities.
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. The recent 2012 elections that took place in September through to November saw a significant increase in interest with around 3,400 online votes being cast in the preliminary rounds. This is a big step in

		enabling young people to make their voices heard
Those with low levels of literacy/ education	Use of plain English	
Refugees and asylum seekers	Via organisations and support groups. Availability of documents in different languages.	
Deprived communities	Free access to online facilities at the cobalt 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-tape on request  Consider access arrangements when organising events.
Teenage parents	Opening up child care facilities where meetings congregate to discuss planning policies.	
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/ 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 do not have time to attend events and meetings.	Wider distribution of leaflets/ publicity material.
Gypsies and Traveller groups	Via organisations and support groups	

People without home/ workplace internet access	There is unlimited free access to North Tyneside's website within local libraries. Internet access within the Quadrant. Free advice from the planning service. Document availability to print on request.
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The Council also plans to use its Residents Panel and the resources provided by 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. It is made up of approximately 1,600 members, who are asked by the Council to help guide its decisions and policies. The Panel may be used by the planning service to get an idea of what people think of a particular planning document.

**VODA:** is a charity providing advice, training, information and support to volunteers, 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 a particular 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 are an important part of the community involvement process, acting as community representatives and decision makers. Councillors therefore provide a vital link between the planning service and the community.

### **2.4 Involvement in Planning- The three main areas**

There are three main parts 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 the three main ways.**

\*Please note that in addition to the three main ways, you are welcome to get involved in the designation of **conservation areas**, **Article 4 directions** and **Local Development Orders**.

## **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 which requires each local planning authority to prepare a local plan.

Local planning authorities, such as North Tyneside works to improve the welfare of people and their communities through making plans about what development is needed within the local area and where it should go. Planning involves everything from the building of new affordable housing, the creation of new homes to public transport links.

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

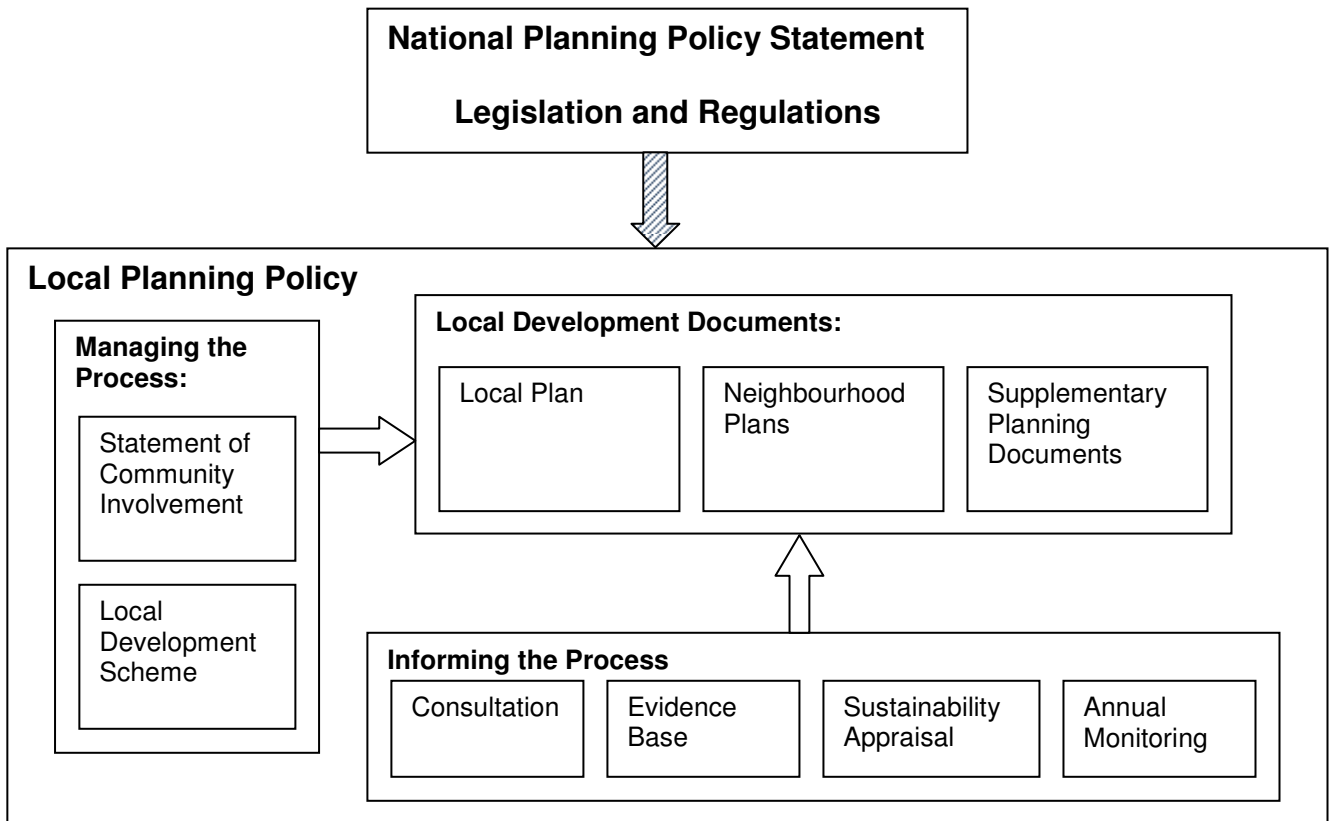
The Local Plan is a set of planning policies which aids developers and decision makers when determining applications for planning permission and other consents. The Local Plan is made up of a number of separate planning documents which deals with many issues such as the location of schools or employment sites. During public consultation periods, you will have the chance to view a variety of these documents. If you then have any comments to make you will need to make these in writing or by email.

While some parts of the Local Plan are technical documents designed to help us produce planning policies effectively such as the detail capacity study, and are therefore not directly open to public consultation, other documents are very much open to the public with North Tyneside Council which allows us to ensure the best policies are created for your area.

There are a number of different plans that can be prepared, falling into three main areas:

- Development Plan documents (DPDs)
- Supplementary Planning Documents (SPDs)
- Neighbourhood Development Plans

Figure 2: What makes up the Local Plan



## 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 Local Plan Documents.

Following publication of the National Planning Policy Framework the Council has decided to move away from a separate Core Strategy and Area Action Plans towards a combined **Local Plan**. This will avoid duplication of policy, avoid numerous consultation events and should improve clarity for residents and stakeholders in the borough.

The **Local Plan** will provide the vision, objectives and spatial strategy, covering the whole Borough. The Local Plan will also contain policies which focus on smaller areas within the borough, for which significant change or conservation is needed or anticipated.

The **Policies Map** which will be a visual representation of policies and proposals in the Local Plan. It will be continually updating to reflect the most up to date policies and land designations.

The Local Plan will be subject to an examination by an independent Government inspector.

## Supplementary Planning Documents (SPDs)

The Council intends to produce a number of SPDs which will provide additional guidance to policies within the DPDs and cover a wide range of issues, which can focus on a particular issue in a particular 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 any resulting changes to the SPD, the Council can approve a final version of an SPD including any changes in response to consultation straight away as no examination by an independent inspector is needed.

## Neighbourhood Development Plans

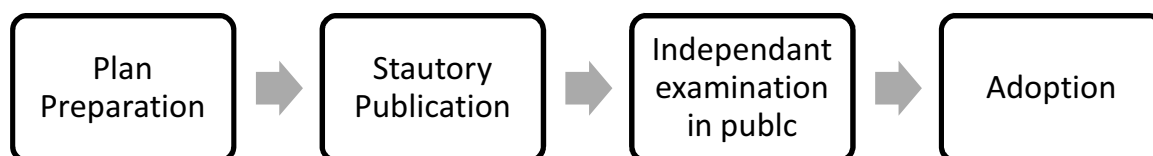
The Localism Act makes provision for communities to prepare their own Neighbourhood Development Plans. These plans can set planning policies to guide future development in the area. For more information on Neighbourhood Development Plans please see section 5.0.

## The Sustainability Appraisal

This is a technical process to check that all Development Plan Documents properly consider the social, economic and environmental needs of the area. The sustainability appraisal assesses the various development options in order to guarantee that only the most sustainable development are included in the final plan. As taken from the NPPF; Sustainable means ensuring that better lives for ourselves does not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment. The Sustainability Appraisal will be made public alongside other published documents.

Please note that the 2008 Planning Act removed the requirement to undertake a Sustainability Appraisal for an SPD but not a Strategic Environment Assessment (SEA). This is because SPD's do not normally introduce new policies or proposals or modify planning documents which, have already been subject to the Sustainability Appraisal. The SEA may be required depending on the document content. If it is required the SEA is subject to its own consultation arrangements which are set out in the ODPM; A practical guide to the Strategic Environmental Assessment Directive, 2005.

## 3.4 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 each particular document)**

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
- Notify all our statutory consultees (such as Natural England, English Heritage and the environment agency, see Appendix A for further details)

You can:

- Ask to be added to our Planning Consultation database at anytime by contacting us on:

Tel: 0191 6436312

Fax: 0191 643 2426

Email: [Planning.policy@northtyneside.gov.uk](mailto:Planning.policy@northtyneside.gov.uk)

### **Statutory Publication**

**(After plan preparation, the Council has to approve a draft of the plan 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 document and sustainability appraisal.
- Notified you where the documents can be viewed.
- Invite representations and collate them for submission
- 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 document and statement of consultation to Government)**

North Tyneside Council will:

- Engage in a public examination of the document by an independent inspector.
- Give notification that a DPD has been submitted and where you can view it.
- Give notice of arrangements and timings of public examinations.
- Notify directly those who have lodged formal objections
- 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 documents, Sustainability Appraisal and Adoption Statement.

You can:

- If you feel that the decision was wrong on informed grounds by the adoption of the DPD you may have grounds for application to the High Court for a judicial review

View regular monitoring reports and see what the plan is achieving for the community.

## **4.0 Getting Involved in the Local Plan**

### **4.1 When will the North Tyneside Council consult on the Local Plan?**

An up to date timetable for the publication of the Local Plan, including when consultations will 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://www.northtyneside.gov.uk/browse-display.shtml?p\\_ID=17577&p\\_subjectCategory=182](http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=17577&p_subjectCategory=182)

### **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.

North Tyneside council will also consult people and organisations which 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 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 local planning authorities to formally co-operate with neighbouring authorities.

### **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.
- A newsletter giving updates on the latest developments in the Borough, progress of policy documents and other news highlights is put on the council website on a regular basis.

#### **The Press**

- Local papers and the Council's magazine (which goes through every letterbox) will often be used to give wide notification of the publication of policy documents and opportunities for you to contribute your views

#### **Public Exhibitions**

- Exhibitions in public places provide information clearly displayed which encourages people to become involved in the planning process. There also may be the opportunity for the public to discuss issues with planning officers who will be present at pre-specified times.

#### **Planning Aid**

- Planning Aid is a voluntary organisation linked to the Royal Town Planning Institute. They aim to help local communities to get involved effectively in planning matters. North Tyneside may use the services that Planning Aid provides to engage with the community, particularly those that are classed as 'hard-to-reach'.

#### **Questionnaires**

- Questionnaires are a good way for us to gauge public opinion and seek feedback on particular options. If the Council asks particular questions about the 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 and it is likely that one or more Councillors will attend local consultation events to listen to views and comments. They can then feed these back to planning officers. However, if you want your views to be formally taken into account you must still make them in writing directly by letter, fax or email to the Planning Manager.

### **4.5 Document Availability**

The Council will ensure easy access to its information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998. Information and comments provided to the Council during planning involvement will be made publicly available, unless there are specific and justifiable reasons for it not to be.

The Council will ensure that Local Plans and Supplementary Planning Documents 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
- Sold at a non-profit price or provided free on request to other statutory consultees and local voluntary organisations.

### **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 Supplementary Planning Documents will if they wish be kept informed of decisions at the subsequent stages of the planning preparation process. The Statement of Consultation examines whether particular development documents have carried out the relevant requirements set out in this SCI.



## **5.0 Neighbourhood Planning**

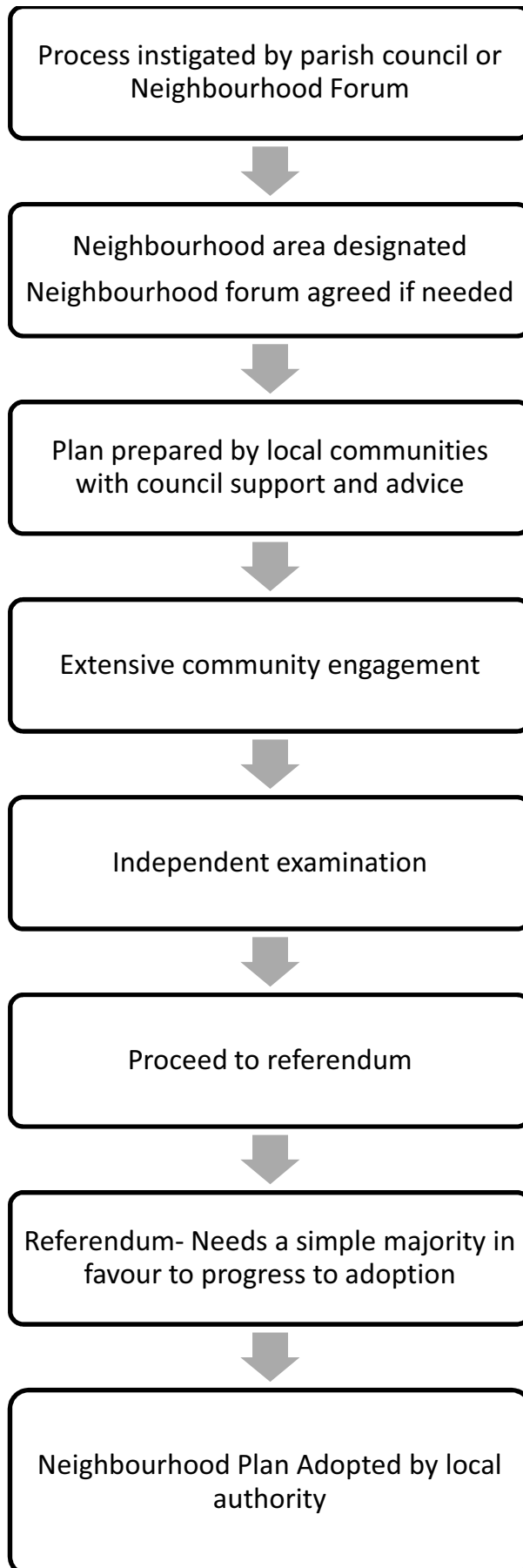
### **5.1 What is it all about?**

New legislation has been introduced to give local people a bigger say about what goes on in their area. Neighbourhood Planning enables local people to set up a neighbourhood forum (as 'qualifying bodies') to then put together ideas for development in their area as a 'Neighbourhood Plan'.

The Localism Bill also 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 local planning authority's role is to advise, manage and support the process. Please note that Neighbourhood Plans and Development Orders are a positive tool to encourage development and must not be used to block the building of new homes and/or businesses.

Neighbourhood plans have their own specific consultation requirements, further information can be found in The Neighbourhood Planning (General) Regulations 2012 or contact the Planning Policy Team.



### **5.3 Who takes charge of Neighbourhood Planning?**

Whilst Neighbourhood Plans and Neighbourhood Development Orders will not be prepared by North Tyneside council we are happy to offer support. The Neighbourhood Plans or Development Orders are prepared by a 'Neighbourhood forum' (which has to be approved by North Tyneside council).

**Neighbourhood plans must be in line with the Council's strategic planning policies and must be about enabling – rather than restricting development.**

### **5.4 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 Planning Department as we may be able to facilitate communication between different groups.
- Once contacts have been made, your forum should then ask the council to agree to a Neighbourhood Area being set up.
- Please note there can only be one neighbourhood forum in one neighbourhood area.

### **5.5 Further guidance and advice**

For further guidance on Neighbourhood planning and the process of producing a Neighbourhood Plan please feel free to contact the Council's Planning Department. Alternatively guidance published by government can be viewed at:

<https://www.gov.uk/neighbourhood-planning>

## **6.0 Getting Involved in the Development Management Process**

Apart from the preparation of the Local Plan Documents, the community can also 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 an 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 and many changes of use as well as a significant advertisements need consent known as planning permission. Consent is also required for altering listed buildings and carrying out certain works within Conservation Areas.

The Development management system requires planning applications to be determined in accordance with the Development Plan (that is, Local Development Plan Documents and the North East Strategy), 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 enhances and improves 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 the development can be made acceptable.

Developers normally seek advice at the pre-application stage when a design and plan has been drafted, but has not yet been finalised.

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 in order for the Authority/ 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.

In some cases the Council will approach a statutory or general consultee before a formal application is submitted. This is judged on a case by case basis where there might be a specific interest, ie. area of known flooding, a heritage asset, 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. Section 22 of The Localism Act, has indicated that the Government are shortly going to require the applicants for very large schemes (eg developments over 200 dwellings) to consult the local community where that development is proposed, before they submit the planning application.

When the legal requirement to consult is adopted, and 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 plans before they submit their planning applications.

Communities will not have a power of veto over whether a planning application can be submitted. They will however be able to raise issues for the developer to consider, and make suggestions which could improve the development and reduce its impact on 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 applications because they disagree with the way in which an applicant has consulted the community. However it is in the best interests of the applicant as failure to consult could lead to objections being made which could lead to the refusal of the 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) and in accordance with the Council's Neighbourhood Consultation Protocol.

[http://www.northtyneside.gov.uk/pls/portal/NTC\\_PSCM.PSCM\\_Web.download?p\\_ID=542421](http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=542421)

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.

Making a formal representation: We now display site notices instead of or as well as neighbour notification. 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.

### **6.5 Considering the Application**

For most applications, a decision must be reached by the local planning authority within 8 weeks. For major applications, such as those schemes for over ten houses, or where more than 1000 square metres of new building is being created the local planning authority 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.

**Environmental Impact Assessment (EIA):** An EIA is only required for nationally defined large-scale developments. An EIA is undertaken by the developer and is submitted to the Planning Authority when the developer applies for planning permission. An EIA can include an assessment of range of impacts such as the social, economic and environmental affects of a development and will identify what remedial measures may be necessary to counter any negative impacts. EIA are subject to specific regulations which 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.

**Planning Obligations:** 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 (e.g. by providing children's play equipment or new planting) or as a financial contribution. The ability and willingness of a developer to enter into a legal agreement to address the impacts of his or her development is a material planning consideration when determining the application.

## **6.6 Decision Making**

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

**The case officers report:** In considering the application, the 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 our website for public access once the application determined.

**Planning Committee:** 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 elected councillors who ultimately determine the application on behalf of the Council and 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 Members. Case officer's reports for applications being reported to Planning Committee can be viewed up to one week before the meeting on the council website.

Members of the public can ask for the right to speak either in favour or against planning applications at this 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 'Public Speaking at Planning Committee Guidance Note' on the Council website: [http://www.northtyneside.gov.uk/pls/portal/NTC\\_PSCM.PSCM\\_Web.download?p\\_ID=505368](http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=505368)

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 and the local community should have the opportunity to comment on any aspect of the proposal.

To begin the process of consultation, all statutory consultees (See Appendix B) 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 2010.

Please note that you find details of all current planning applications, for any type of application on the Council's public access system. 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
- 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. 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 1000 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 which are accompanied by an environmental statement;
- applications which do not accord with the development plan;
- applications which 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;
- applications for listed building consent - Grade I, II\* (all works) and grade II (external works); or
- applications for conservation area consent

## **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. 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.

## **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 service via a number of sources, for example through Members, Officers and from members of the public. All complaints are treated confidentially by North Tyneside Council. There is no consultation with the community by the Planning Service when it deals with enforcement cases. However, 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:  
[http://www.northtyneside.gov.uk/browse-sub-cat.shtml?p\\_subjectCategory=33](http://www.northtyneside.gov.uk/browse-sub-cat.shtml?p_subjectCategory=33)

### **6.10 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.

The Planning Reception at the Quadrant East Council Offices is open between 8:30am - 5:00pm Monday– Thursday, and between 8:30am - 4:30pm on Fridays. 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 with the assistance of a planning officer if you wish.

If you go to your local Library you can use the computers to access our website and view planning applications.

Weekly lists of planning applications we have received are published and are available for inspection at the planning reception, in local libraries and on the Council's website; <http://idoxpublicaccess.northtyneside.gov.uk/online-applications/>

As well as viewing the Weekly List on the website, you can now comment on, and submit your own applications via the web. Weekly lists can also be posted to groups or individuals at a charge.

Telephoning the direct Planning service enquiry line is another way of seeking information or advice on planning applications. The number is 0191 643 2310.

A range of documents are available at the planning reception or on the Internet which give more detail about various aspects of the development management process including:

A Charter for DevelopmentManagement at:

[http://www.northtyneside.gov.uk/pls/portal/NTC\\_PSCM.PSCM\\_Web.download?p\\_ID=526558](http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=526558)

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

The council understands how important it is to regularly monitor the effectiveness of community involvement in the planning process and use the results to review policies and practices.

Monitoring ensures that the requirements laid out in this document have been met and allows for review and improvement.

# 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 (English Heritage),
- Natural England,
- Network Rail,
- the Highways Agency,
- a relevant authority any part of whose area is in or adjoins the area of the local planning authority,
- 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 local planning authority,
- if it exercises functions in any part of the local planning authority'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.

Residents 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. Note that not all bodies in this list are relevant in North Tyneside.

- British Waterways
- Civil Aviation Authority
- Coal Authority
- Crown Estate Commissioners
- Department for Culture, Media and Sport
- Department of Energy and Climate Change
- Department for Environment, Food and Rural Affairs
- Department for Transport
- Environment Agency
- English Heritage
- Forestry Commission
- Garden History Society
- Health and Safety Executive
- Highways Agency
- Ministry of Defence
- Natural England
- National Air Control Transport Services and Operators of Officially Safeguarded Civil Aerodromes
- Rail Network Operators
- Sport England
- Theatres Trust
- Toll Road Concessionaries
- The Ancient Monuments Society – concerned with [ancient monuments](#), historic buildings of all ages and types, and fine old craftsmanship
- The Council for British Archaeology – concerned with all historic buildings, but with a particular interest in the archaeology of subterranean and standing structures
- The Society for the Protection of Ancient Buildings – concerned mainly with structures dating from before 1700, but also with philosophical and technical aspects of conservation
- The Georgian Group – concerned with architecture and architecture-related arts from 1700 to 1840
- The Victorian Society – concerned with Victorian and Edwardian architecture and architecture-related arts between 1840 and 1914
- The Twentieth Century Society (via The Victorian Society) – concerned with architecture from 1914 onwards

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/2010/2184/article/20/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 Section 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. A more detailed glossary produced by Planning Aid is available at: <http://www.rtpi.org.uk/planning-aid/planning-explained/jargon-buster/>

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

**Article 4 Directions:** This is made by a [Local Planning Authority](#) in the [United Kingdom](#) and confirmed by the Government. It serves to restrict [Permitted Development](#) rights, which means that a lot of the things people do to their land or houses without planning permission and often take for granted are brought into the realms of planning consent. It does not in itself prohibit any action 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, all other 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”. Most 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 Local Planning Authorities 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.

**Local Development Orders (LDO's):** 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:** 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. Although there is no definition in legislation, case law has said that considerations which 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 of course all representations made are all material considerations.

**Planning Committee:** The decision-making body of a local authority made up of elected councillors which 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.



## **CONTACT US**

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

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