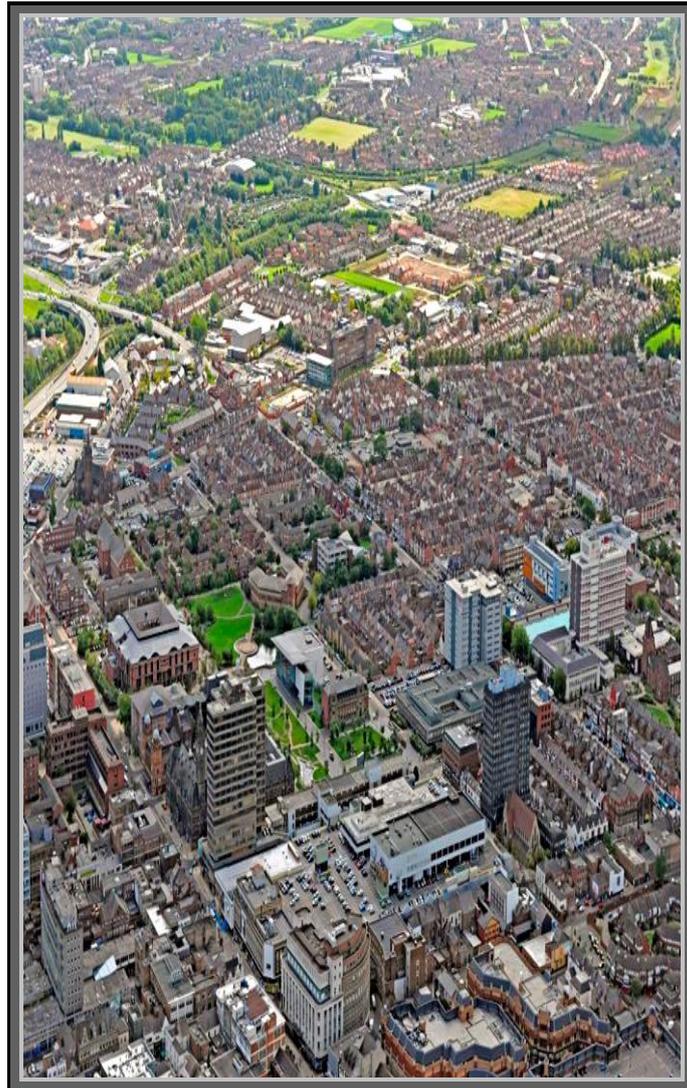


**MIDDLESBROUGH COUNCIL'S  
STATEMENT OF COMMUNITY INVOLVEMENT**



**March 2016**

*This Statement of Community Involvement sets out the Council's engagement framework on how and when the community will be consulted on local planning policy documents and planning applications.*

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## INTRODUCTION

1. The planning system has historically been at the forefront of public participation practice, and it was one of the very few policy arenas where there is a statutory requirement to involve the public. Publicity and consultation became required components of the statutory planning system, providing local people with opportunities to comment on and object to development plans and planning applications.
2. All local planning authorities are required under the Planning and Compulsory Purchase Act 2004, to produce a Statement of Community Involvement (SCI). SCIs set down the degree of involvement that the community and other stakeholders can expect when decisions on development proposals and future planning strategy are made.
3. SCIs identify the minimum engagement framework to accord with the basic consultation requirements outlined in the above Act. In setting down a minimum engagement framework this enables local planning authorities to tailor their consultation/engagement methods on a case-by-case basis, giving them the scope and flexibility to include additional methods of engagement, where appropriate.
4. This document explains:

- a) how the Council will meet its legal requirements to consult on its Development Plan, Supplementary Planning Documents, and developer/resident planning applications;
- b) the Council's strategy for public and stakeholder engagement in the planning process and links with other community involvement initiatives and strategies;
- c) the identification, in general terms, of which local community groups and other bodies that will be consulted;
- d) how local people, community groups, and other bodies can be involved in the planning process in a timely and accessible manner;
- e) details of the methods of involving people, community groups, and other bodies, suitable for the different stages in the preparation of Middlesbrough's Local Plan and how the Council can assist in the preparation of Neighbourhood Plans;
- f) the resources that the Council will be putting into community involvement; and,
- g) how the results of community engagement are to be fed into the preparation of the Local Plan and other planning documents.

## GETTING INVOLVED IN PLANNING

5. There are two main ways to get involved in local planning matters:
  - a) making comments on **planning applications** – most types of development from new houses to changes of use require a planning application to be submitted and approved; and,

- b) having your say during public consultation periods on **local development documents** (Local Plan or Supplementary Planning Documents) – these documents set the policy framework against which development proposals will be assessed.
6. Decisions on planning applications are made in line with the Local Plan, so getting involved in the production of these type of document at early stage is essential.
  7. There are a number of organisations who provide independent information and advice on the planning system and how to get more involved. A list of useful contacts is set out in Appendix 4.
  8. The involvement and views of residents, businesses and other groups is seen by the Council as an integral part of the planning process, which when constructively and genuinely made can:

- a) lead to outcomes that better reflect the views and aspirations, and meet the needs of the wider community, in all its diversity;
- b) be valuable as a key element of a vibrant, open, and participatory democracy;
- c) improve the quality and efficiency of decisions by drawing on local knowledge, and minimising unnecessary and costly conflict;
- d) educate all participants about the needs of communities, the business sector, and how local government works; and,
- e) help to promote social cohesion by making real connections with communities and offering them a stake in decision-making.

## **MAKING COMMUNITY INVOLVEMENT EFFECTIVE**

9. For planning to be seen as positive, all sections of the community must have confidence that the process is legitimate, operates in a timely manner, and produces outcomes that are in the public interest. The process should be simple to follow and delivered in a fair, transparent and efficient manner. Effective community involvement requires processes for:

- a) notifying and informing communities about policies and proposals in good time;
- b) enabling communities to participate in developing proposals and options, rather than simply comment once these are fixed;
- c) consultation on formal proposals; and,
- d) feedback.

10. While the aim of community and stakeholder involvement in planning is to build consensus, this is a markedly different outcome to reaching agreement. Just as communities are not made up of identical citizens, then the views that a community holds are likely to be varied.

11. Nevertheless, with creativity and goodwill, solutions often can be found and consensus reached. It should however, be recognised that never-ending consultation exercises cannot be used as an excuse to avoid decisions being taken or lead to situations where the community's input becomes out of date and therefore less relevant.

## **PLANNING AND THE DUTY TO CO-OPERATE**

12. In 2011 the Localism Act introduced the duty to co-operate in relation to planning of sustainable development. The duty to co-operate places a legal duty on local planning authorities, and other public bodies to engage on strategic cross-boundary matters in a meaningful way. The Council has taken this duty on board and will continue to work closely with other local authorities within and adjoining the Tees Valley, and the relevant statutory bodies such as the Environment Agency and Highways Authority to progress effective strategic planning of the area.

## **LINKS TO OTHER COUNCIL STRATEGIES**

13. The Council, as a whole, has other policies which guide and promote community engagement. These include the Sustainable Community Strategy for Middlesbrough and the Community Consultation Strategy. This SCI takes into account the proven engagement mechanisms contained in the above documents, rather than trying to reinvent the wheel. We will also work with other Council service areas to ensure that a consistent approach is taken to consultation, and where appropriate, joint consultations between departments will be considered to share resources and to avoid consultation fatigue.

## **ROLE OF ELECTED MEMBERS, PARISH AND COMMUNITY COUNCILS**

14. The role that elected Members, Parish and Community Councils play in the engagement process is crucial in providing the link between the local community and the Council. They are able and best placed to relay local community concerns and views on planning decisions or other planning proposals.
15. These representatives also have the capacity to secure the involvement of under-represented groups in this process. The Council will seek to utilise this expertise and local knowledge by involving, where appropriate, elected Ward Members, Parish and Community Councils at an early stage in the engagement process.

## **MIDDLESBROUGH'S PRINCIPLES FOR COMMUNITY INVOLVEMENT IN PLANNING**

16. In making planning decisions, the Council will often need to balance differing views and make judgements in the interests of all our communities. Getting local opinions will help us make decisions in the most informed way possible. To achieve this, we will apply some general principles to our planning consultations and community involvement. These principles are:
  - a) **Legal standards** – meet and where appropriate, exceed the minimum standards for community involvement as set out in legislation.

- b) **Early involvement** – seek views of interested and affected parties as early as possible and throughout the process, where appropriate.
- c) **Inclusion** – to ensure that community involvement is inclusive by giving the citizens of Middlesbrough the opportunity to express their views, and that their comments will be listened to and respected.
- d) **Consultation methods** – use suitable and appropriate consultation methods that relate to the stage of the planning process, issues being discussed, communities involved, resources available and time constraints. Additionally, make more use of electronic and modern media techniques to make consultation easier, quicker and more cost effective.
- e) **Language and terminology** – consultation material will be clear and concise, and capable of being understood by all. The use of jargon and acronyms will be kept to a minimum, and where their use is unavoidable, their meaning will be clarified.
- f) **Consultation fatigue** – efforts will be made to avoid duplication of work by auditing past, present and future engagement activities, and joining up resources with other service areas of the Council, wherever possible and practicable.

## **SECTION A: COMMUNITY INVOLVEMENT IN THE PREPARATION OF THE LOCAL PLAN AND OTHER PLANNING POLICY DOCUMENTS**

### **LOCAL PLAN PREPARATION**

17. Plan-making and the processes for preparing local development documents are set out in the National Planning Policy Framework (NPPF) and the Town & Country Planning (Local Planning) (England) Regulations. The NPPF provides the principles on how Local Plans should be prepared, whereas the Regulations outline at what stages a local planning authority should consult, for how long, and who should be consulted.
18. Information on the Council's programme for preparing or revising its Local Plan and other planning policy documents e.g. Supplementary Planning Documents (SPD) is contained in its Local Development Scheme (LDS). The LDS is produced annually and available to download from the Council's website.
19. The process diagram below details the five main stages that the Council undertakes in preparing its Local Plan (or partial review):

#### **STAGE 1**

**Evidence gathering – provides a thorough understanding of the needs of an area and the opportunities and constraints which operate with that area.**

#### **STAGE 2 (Regulation 18)**

**Scoping or issues & options – draws together the opportunities and constraints from analysis of the Evidence gathering stage, where it is possible to consult the community on a range of issues and options for an area.**

#### **STAGE 3 (Regulations 19 & 20)**

**Preparation and publication of the draft Local Plan – the Council prepares and publishes a draft Plan based on the evidence from the previous two stages, and consults before preparing a submission Plan to be submitted to the Secretary of State (SoS).**

#### **STAGE 4 (Regulations 22 & 24)**

**Submission and Examination – the Council submits the Plan to the SoS for Examination. The Examination is held in public, in front of an independent Planning Inspector appointed by the SoS.**

#### **STAGE 5 (Regulations 25 & 26)**

**Adoption – following the Examination the Inspector will consider the representations/evidence put forward at the Examination, and produce a report with recommendations on the 'soundness' of the Plan. The Council considers acceptance of the recommendations and then moves to adopt the Plan.**

## **Evidence gathering**

20. As part of the evidence gathering stage the Council will initially consult with each of the consultee bodies identified in Appendix 2(1) of its intention to prepare a Local Plan, and invite them to make representations on what the Plan should contain. The Council may wish to expand this initial consultation, (as appropriate) and invite the wider community to make representations.
21. Establishing a robust and credible evidence base is seen as an essential aspect of the Local Plan making process. In the preparation of its Local Plan the Council will undertake a number of thematic and/or area based studies, which forms the evidence base. The evidence gathering stage can vary depending on the nature of the Plan, and can be compiled from various internal and external sources.
22. As part of the evidence gathering the Council will need to consider the scope of the sustainability appraisal. During this process the Council will as a minimum consult with a range of Strategic Environmental Assessment (SEA) consultation bodies.

## **Scoping or Issues & Options**

23. The purpose of the Scoping or Issues and Options stage is to gather views from the public and other stakeholders on a range of issues and options derived from the evidence gathering stage. The issues and options stage can be based around a single topic area or a range of topic areas, (for example housing, town centre and/or transport etc.) depending on the type of Local Plan to be prepared.
24. Further to consulting the main consultee bodies identified in Appendix 2(1), it may also be possible to utilise a number of community engagement groups and mechanisms, which were formed when the Council's Sustainable Community Strategy was being prepared. The utilisation of these groups will depend on their availability and set timescales.
25. Along with the issues and options, it will be necessary to undertake a Sustainability Appraisal (SA) of the emerging issues and options. The results of the SA will be consulted alongside the issues and options, which will then be used to inform the preparation and publication of the subsequent Local Plan.
26. The public and stakeholder consultation will be over a six-week period, where representations will be sought. This consultation process will follow (as a minimum) the public engagement procedures identified in Appendix 2(3).

## **Preparation and Publication**

27. Following consultation on the issues and options, and SA the different strands from the previous two stages can be brought together to prepare a draft Local Plan. The Council, however, may wish to publish a preferred options document, (optional) before moving directly to the statutory Publication stage.

28. Although the preferred options is not a statutory requirement it does enable the Council to amend and take account of any substantial policy changes that may have occurred, before moving to the Publication stage. But, more importantly it provides an additional opportunity for the public to comment and influence the Council's preferred options.
29. If the Council has prepared a preferred options document, the public and stakeholder consultation will be over a six-week period, where representations will be sought, and will follow (as a minimum) the public engagement procedures identified in Appendix 2(3).
30. Analysis of any representations received from the preferred options consultation will be added to the evidence base. This will enable the preparation of the draft Publication Local Plan document to be better informed, and reduce, where practical, any outstanding policy conflicts.
31. The draft Publication Local Plan will be subject to a six-week public and stakeholder consultation, where representations will be sought. This consultation process will follow (as a minimum) the public engagement procedures identified in Appendix 2(3).

### **Submission and Examination**

32. Once the submission Local Plan has been prepared, it will be submitted to the SoS, along with the complete evidence base documents used to prepare the Plan. As soon as practicable after submission, the Council will make the Plan available for public inspection at its local libraries and the Civic Centre, in accordance with Appendix 2(2).
33. Notification of the submission will be sent to the main consultees identified in Appendix 2(1), other respondents and those who have requested to be kept informed. The submission Local Plan will be subject to a six-week public and stakeholder consultation.
34. This consultation process will be limited to notification of the submission, and representations will not be sought, however if any representations are received these will be forwarded to the Planning Inspector, via the Programme Officer. It will then be for the Inspector to decide whether he/she wishes to accept these additional representations, as part of the evidence base.
35. The Council will work with the Planning Inspector to ensure that where members of the public have made representations that are to be dealt with at the Examination, every effort will be made to ensure that those representations will be considered in a way that matches the confidence and skills of the person/group concerned. If a pre-examination meeting is required to clarify procedural matters, it will be held no later than six weeks prior to the opening day of the Examination.
36. The Council will give details of the time and place of the Examination and the name of the Inspector at least six-weeks before the start of the Examination by:

- a) updating the Council's website with the relevant information;
- b) informing those persons who have made representations on the Local Plan and have not withdrawn those representations; and,
- c) informing those persons who have asked to be kept informed.

### **Post Examination/Adoption**

37. Following the Examination, the Planning Inspector will produce a report, identifying any suggested changes and whether the Plan is 'sound'. As soon as reasonably practicable after receipt of the report the Council will make the report available to the public and inform those that have asked to be kept informed that it has been received. Once the Council has considered the report, and made any relevant changes, it can then move to adopt the Plan.

38. Subsequent to the adoption of the Plan the Council will:

- a) advertise that the Plan has been adopted, and where and when it and the SA can be inspected;
- b) make the Inspectors' report, the adopted Plan and the SA available for inspection at the Civic Centre, local libraries and place these documents on the Council's website; and,
- c) prepare an adoption statement and send a copy to the SoS and those people that have asked to be kept informed.

39. At the same time any person who feels aggrieved by the adoption of the Plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004. Any such application must be made within six weeks of the adoption date of the Plan.

### **SUPPLEMENTARY PLANNING DOCUMENTS (SPD)**

40. The purpose of an SPD is to provide greater clarity on the policies and proposals contained within the Plan itself. The main types of SPD can be categorised as follows:

41. The Council will tailor the consultation process according to the type of SPD proposed. So in respect of site specific SPDs the Council will engage with residents, Ward councillors, community councils and businesses within the vicinity of the site, and other identifiable groups that use the site.

42. In respect of the latter two types of SPD, there will be a need for the Council to identify and engage with the groups it anticipates will be most affected. With the shop front design example, cited above, the Council would consult relevant local retail groups, retailers and owners.

43. Irrespective of the category of SPD, the Council will as a minimum undertake consultation for a period of 4 weeks, as follows:

- a) place the SPD for inspection at its main offices and libraries, together with any supporting documentation;
- b) place the documents on the Council's website and Consultation Portal;
- c) inform the main consultee bodies referred to in Appendix 2(1), along with other stakeholders (if the document is likely to affect them), on how and where they can obtain a copy of the document; and,
- d) issue a press release on the nature of the SPD and commencement of any consultation period, and how people can make representations.

44. The Council will consider the comments received on the draft SPD, and make any changes necessary prior to its adoption. As soon as practicable after the SPD has been adopted, the Council will:

- a) prepare an adoption statement;
- b) make the SPD available for public inspection at the Council's main offices and libraries, and place on the Council's website; and,
- c) send a copy of the adoption statement to any person who has asked to be notified of the adoption of the SPD.

## **USING THE RESULTS OF CONSULTATION AND FEEDBACK**

45. Representations made during formal consultation periods will be acknowledged, where practicable, and recorded on our consultation database and placed on the Council's website. We cannot accept confidential, anonymous or late comments. We will also reject any comments that are offensive, obscene, racist or illegal in any other way.
46. All duly-made responses will be considered and used to inform decisions and/or shape the documents, alongside Government legislation, planning policy and other evidence. Sometimes plans may attract a large number of objections or petitions. These will be taken into account in the same way as other representations. Comments made at earlier rounds of consultation on a document will not be carried forward. Any outstanding issues must be resubmitted in order to be considered.
47. Feedback reports/consultation statements will be produced at the end of formal consultation periods which give an overview of the consultation process, a summary of the main issues raised and information on how these will be taken into account. These reports will be placed on the Council's website, at local libraries its main offices.

## NEIGHBOURHOOD PLANS

48. Neighbourhood Plans were introduced by the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012. The Act enables local communities to have a direct say in the future development of their neighbourhood or parish. A Neighbourhood Plan is a planning document that guides and shapes development in the local area and is prepared by local people.
49. Neighbourhood Plans are about local development issues. For example where new homes and shops should go, or what places should look like. They focus on guiding development rather than preventing it. Neighbourhood Plans are required to be in general conformity with national policy and the local planning policies of the Local Planning Authority.
50. The Council under the Act and 2012 Regulations has a duty to provide support to local communities as they prepare their Neighbourhood Plans. The Council will provide the following:
  - A named officer as first point of contact for advice and technical support.
  - General advice on planning matters.
  - A limited mapping service (subject to availability and resources).
  - Advice on general conformity with the Local Plan and other planning policy documents.
  - Limited technical support, for example, advice on whether a Conservation of Habitats and Species Regulations 2010, Sustainability Appraisal is required, and evidence base requirements (although documents will not be written by the Council).
  - Electronic access to the Local Plan evidence base.
  - Direct to other sources of assistance.
  - Assist in preparing the consultation statement.
51. The Council however, will be unable to offer advice or assistance in the following areas:
  - Writing documents (other than providing general advice and conformity comments).
  - Undertaking survey work.
  - Attending every meeting.
  - Attending every consultation or workshop event.
  - Direct financial support.
  - Legal advice.
  - Secretarial services.
52. The Council will also ensure that any support given does not conflict with its own existing and scheduled work priorities, which will take precedence.
53. As Neighbourhood Plans are not prepared by the Council, this SCI cannot prescribe what methods of community engagement they must follow. The Council, however will expect that the methods of engagement meet the requirements set out in legislation, and to follow wherever possible the general principles and techniques set out in this SCI.

## RESOURCES

54. The Council has made resources available for preparing its planning policy documents. A small team of planning officers in the Planning Policy Team will take forward the preparation of these policy documents, working closely with other members of staff and other bodies.
55. The delivery of these planning policy documents will be delivered within the timescales set out in the Local Development Scheme and is recognised by the Council, as a high priority. Joint working with other service areas and external bodies will help to make the best use of resources. Joint working can also help to avoid duplication of activity and share resources.
56. Most of the consultation activity to be required during plan-making processes will be resourced from existing in-house sources. Where capacity is limited, or where specific expertise is required for particular activities, external consultants will be prudently engaged.

## REVIEW

57. The SCI is subject to review. It should however, only be necessary to review the SCI, if and when significant changes have occurred, in the engagement process, e.g. by the inclusion of additional consultees and amenity/community groups to those already highlighted throughout this document, or when different methods of involvement are established/used. Changes in government guidance, legislation, or advice, or publication of further good practice may also trigger a review of the SCI.
58. In addition, the Annual Monitoring Report (AMR) will examine whether or not the Council has met with the consultation requirements outlined in the SCI. If the AMR indicates that the engagement processes outlined in the document are not being observed or are not working properly, adjustments will be made accordingly.

## **SECTION B: COMMUNITY INVOLVEMENT IN PLANNING APPLICATION DECISIONS**

59. The Council's Development Control Section is responsible for the processing of all planning applications within the Borough. Both publicity and consultation are integral to this process. The Council carries out consultations in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). As part of this process it may be necessary to consult with a number of statutory bodies. In deciding which statutory body is consulted, the Council will take into account the nature and location of the proposal. There are also a number of other non-statutory bodies including local amenity/interest groups, which the Council may wish to consult with, as appropriate.

### **PRE-APPLICATION DISCUSSIONS**

60. The Council welcomes the approaches by developers/property owners prior to the submission of a planning application to discuss a development proposal and any issues that may arise from it. Generally, this will involve discussions with relevant Council officers and the applicant, although in the case of a major proposal the Council may also invite other interested parties where their knowledge or expertise could assist the discussions and aid the formulation of better planned proposals.

### **PROCESSING THE APPLICATION**

61. Article 13 requires all applications for planning permission to be publicised. In Middlesbrough, current procedures are that notification letters are sent out to adjoining landowners and occupiers within 3 days of receipt of a planning application. There is no statutory definition of what an adjoining owner/occupier is – it is left for the Council to use its own judgement. Where there are clear impacts from a proposed development on the near neighbours, then the Council will notify them. Additionally, weekly planning application lists can be downloaded from the Council's website. The impact of larger scale development is often more widespread, and the notification area is more difficult to judge. For the sake of economy, however, the Council has to restrict the area of notification.

62. The Government requires that certain types of proposed development receive wider notification. This is for:

- a) major developments;
- b) bad neighbour type developments;
- c) development which affects listed buildings, scheduled monuments, is in a conservation area, or affects protected trees;
- d) development which requires the submission of an Environmental Impact Assessment (EIA);
- e) development which affects a public right of way; and,
- f) development which departs from the Council's Development Plan.

63. In all these cases, the Council will arrange for site notices to be displayed on the building in question, or on the nearest lamp post if it is open land. A press notice will be placed in the Statutory Notices section of the local newspaper.
64. The purpose of this publicity is to ensure that the public, interested groups and individuals all have the opportunity to make comments on planning applications. Comments received will be an important part of the consideration by the Council. Notwithstanding the additional engagement measures detailed in subsequent paragraphs of this SCI, consultation and publicity during the processing of planning applications remains the responsibility of the Council.
65. While the requirements of the above 2010 Order ensures that the system is very consultative there is a perception that the public only have a 'like it or lump it' option once consulted, and that there is little opportunity to really change what is proposed. The aim of the SCI in respect of development proposals is to give the community chance to consider and comment on proposals and so constructive public input has the chance to change the form of the proposal that is subsequently submitted for planning permission.

#### **PRE-APPLICATION PUBLICITY**

66. The onus of pre-application publicity rests with the developer. The Council will expect developers to undertake pre-application community engagement in the following instances:

- a) major developments – see Appendix 3 for definition;
- b) Environmental Impact Assessment applications which are accompanied by an Environmental Statement;
- c) proposals which depart from (i.e. do not conform with) the Development Plan;
- d) proposals which affect a public right of way/footpath;
- e) any development proposals which the Local Planning Authority determines as having significant planning policy implications; and,
- f) any development which appears to be significant and/or controversial.

67. Generally the level of community engagement will be tailored to reflect the scale and likely impact of the new development. Developers are encouraged to discuss their engagement ideas with the Council as part of their standard pre-application discussions. Where a development is anticipated to be controversial, advice will be offered.
68. As a guide, (depending upon the scale and impact of the proposal) developers will be expected to:

- a) notify local residents by letter of the proposed development, and where they can get further information;
- b) put out a press release detailing their proposed development (and where people can get further information) in cases concerning land or a building to which the public has enjoyed access, or been part of public life;
- c) put together letters and/or press release which gives details of a public engagement event that the developer has organised;
- d) arrange a public engagement event that details the developer's aspirations for the site, the scope for public comment, how comments will be dealt with, and what happens next;
- e) arrange the public engagement event to take place at a time which enables attendance from as wide a cross section of the public as possible;
- f) arrange the engagement event to take place at the site/building to which the proposal relates, or the nearest publicly accessible meeting venue (the Council will provide a list of suitable venues upon request); and,
- g) engage with local community/councils and interest groups within the surrounding area of the proposed development as part of their pre-application community engagement procedures.

69. Where a developer has carried out pre-application community engagement, as a matter of good practice, they should include a statement with their application which details what has been done – scale of notification, numbers attending the event, comments made or received, copies of the applicants response to the comments received, and any resultant revisions to the scheme.
70. Where there are significant changes made to the prospective planning application, and depending on the extent and nature of these changes, the Council may advise the developer to consult further, pre-submission.
71. Government policy is that planning authorities should not refuse to accept an otherwise valid application because the applicant has failed to carry out pre-application community engagement. The failure however, by a developer to undertake community engagement before submitting their proposal could result in avoidable objections being made which could be material to the determination of the application.
72. The Council is set demanding targets by Government to determine applications within national specified timescales. Where developers submit significant proposals (as detailed by para. 66) without undertaking any community engagement advocated in this document, the onus will rest with the developer to resolve material public objections within the timescale that the Council has to determine the application this may further delay the processing of the application. Where an interested party has requested it, a copy of the decision notice will be sent to them.

## **PLANNING COMMITTEE**

73. The Planning Committee is made up of Ward Councillors, which make decisions in the public interest in respect of planning proposals and associated matters. The Committee meets on a 3-4 week cycle, usually on a Friday (meeting dates and times can be obtained from the Council's website or by contacting the Development Control Section on tel: 01642 729377 at the Civic Centre. Members of the public are invited to attend and take part in speaking, explaining their concerns, either for or against a proposal, or simply listening to the Committee debate.
74. Each item will be introduced by the Chair who will invite comments from the public. Only one person will be allowed to speak for, and one against a proposal. If more people are interested they will be asked to agree who the single spokesperson should be. Where the Committee has visited a site, speakers should bear in mind that most Members will be familiar with points made on the visit. Each speaker will be allowed to speak for a maximum of five minutes. The Chair may at his/her discretion, in special cases, allow additional speaking time.
75. Other Ward Councillors are also allowed to make verbal representations.
76. After any further discussion by the Committee Members, in which the public cannot take part, a decision to approve or refuse the planning application will be taken. The Committee's decision is final. Applicants, however, have a right of appeal to the Planning Inspectorate, if their application is refused or if conditions are attached which they do not agree with.

## **PLANNING APPEALS**

77. Only applicants have a right to appeal against a refusal of planning permission, against conditions imposed on a planning approval or against a non-determination of a planning application. There is no third party right of appeal. If a third party is aggrieved by the decision then he/she will need to make a formal complaint to the Council before submission to the local Ombudsman.
78. All individuals and organisations that were consulted at the time of the planning application was originally submitted, and all those who subsequently made comments in relation to the application, will be notified in writing of the appeal and how to make their views known. If they had already written to the Council, their letter will be copied and sent to the Planning Inspectorate.
79. Where an appeal is to be heard at an informal hearing or public inquiry the Council will publicise in the press the date, time and location of the hearing or inquiry and inform relevant interested parties.

## **ENFORCEMENT**

80. There are occasional breaches of planning legislation where unauthorised building work or change of use has taken place. The Council's Development Control section will need to be advised of this to enable investigation to take place. The key to unauthorised activity is evidence and the complainant will need to advise the Council of how long the activity has taken place and the extent of the nuisance it has caused.

## APPENDIX 1

### METHODS OF ENGAGEMENT

As previously highlighted legislation sets out the minimum requirements for public participation when preparing planning policy documents. This includes making information available on the Council's website. Where appropriate and resources permit, the Council will go beyond these requirements to promote greater community participation. It is therefore envisaged that a variety of engagement methods are likely to be used at various stages of the plan making process. These include, but are not limited to:

- **Direct notifications to appropriate organisations and individuals** – emails or letters (where no email) will be sent to statutory bodies, relevant groups and to those who have requested to be contacted on the Council's Consultation Portal.
- **Website and Consultation Portal** – progress on the Council's planning documents will be publicised on the Planning Service's webpages. This will also be the place to download evidence base documents and SPDs. People will be able to view and make comments on consultation documents through the Council's Consultation Portal: <http://consultationportal@middlesbrough.gov.uk>
- **Deposit venues** – during relevant consultation periods, documents will be made available for inspection in the reception area at the Civic Centre. Copies of the documentation will also be placed in the town's local libraries.
- **Social networking sites** – where appropriate, consultation events and periods will be advertised on the Council's corporate Facebook and Twitter pages.
- **Local media** – whilst it is no longer a requirement for local authorities to publish public notices in the local press during the plan-making process the Council will issue a press release to local newspapers and radio stations detailing the period of consultation, along with when and where planning documents can be inspected, how copies can be obtained, the closing date for representations, and where to send them.
- **Presentations and one-to-one meetings** – officers will be made available (where resources permit) to give presentations or hold one-to-one meetings to discuss any concerns community groups, Parish Councils and/or individuals may have with the proposed planning document.
- **Leaflets and posters** – these may be distributed to promote consultation events and periods. Distribution will be to libraries and relevant community groups.
- **Site Notices** – in the case of land allocation planning documents, the Council will display Site Notices around the boundary of identified sites, to notify the local community of its intention to allocate a site and to seek representations. The Site Notice will include a site plan, where further details can be obtained, and a closing date for representations.

## APPENDIX 2

### MAIN CONSULTEE BODIES AND CONSULTATION PROCEDURES

1. The Council is required by legislation to consult certain bodies which it considers may have an interest in or be affected by a document. These bodies include:
  - Adjoining Local and County Councils;
  - Coal Authority;
  - Historic England;
  - Environment Agency;
  - Highways England;
  - Homes and Communities Agency;
  - Local Policing Body;
  - Marine Management Organisation;
  - Natural England;
  - Network Rail;
  - Parish Councils and adjoining Parish Councils;
  - Relevant health providers/groups e.g. The South Tees Clinical Commissioning Group;
  - Relevant Utility and Telecommunication companies; and,
  - Duty to Co-operate bodies such as Tees Valley Unlimited, if relevant and/or in relation to strategic cross-boundary matters.
  
2. The Council will also consult 'other consultation bodies' which it considers to be appropriate to planning and who do not fall into the main consultee categories, these may include:
  - Community Council's;
  - Environmental and amenity groups;
  - Developers, Landowners and agents;
  - Special interest groups;
  - Local businesses, business networks; and,
  - Educational establishments.
  
3. The Council will also undertake the following consultation and engagement public participation procedures by:
  - placing the prepared planning document, and all relevant supporting material on the Council's website, and where appropriate, on the Council's Consultation Portal;
  - making all relevant material publicly available for inspection at the Civic Centre and at other venues such as libraries, for a minimum 6 weeks (or 4 weeks for Supplementary Planning Documents);

- issuing a press release to the local media when seeking representations, detailing when and where the documentation can be inspected, how copies can be obtained, the closing date for representations and where to send representations;
- ensuring that representations received and responses made are reported to elected Councillors, where appropriate; and,
- providing feedback on the engagement methods used and representations received by preparing a public consultation statement.

## APPENDIX 3

### **'MAJOR DEVELOPMENT' DEFINITION**

The Town and Country Planning (General Development Procedure) Order 1995, defines 'major development' as being development involving one or more of the following:

- a) the winning and working of minerals or the use of land for mineral working deposits;
- b) waste development (operational development designed to be used wholly or mainly for the purpose of, or a change of use to, treating, storing, processing or disposing of refuse or waste materials);
- c) the provision of dwellinghouses\*, where there are 10 or more dwellings, or (if the numbers are not known) on a site having an area of 0.5 hectares or more;
- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 sq.m or more; or,
- e) development carried out on a site having an area of 1 hectare or more.

Note: \*For the purposes of clarity the Council considers that this definition will also apply to developments involving apartments/flats.

## APPENDIX 4

### USEFUL CONTACTS

#### Statement of Community Involvement

If you have any queries regarding this document or other aspects of the plan-making process, please contact officers at:

Planning Policy,  
Middlesbrough Council,  
PO Box 504,  
Civic Centre,  
Middlesbrough,  
TS1 9FY.

Telephone: (01642) 729065

Email: [planningpolicy@middlesbrough.gov.uk](mailto:planningpolicy@middlesbrough.gov.uk)

Council's website: [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk)

#### Planning Applications

Queries regarding planning applications should be addressed to the Development Control Section at the above address.

Development Control Contact Numbers:

Telephone: (01642) 729377

Council's website: [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk)

#### Further information and useful contacts

##### The Planning Portal

The Planning Portal is the Government's online 'one-stop-shop' for planning and building services. It provides information on the planning system, which allows applicants to submit a planning application, find out about development in your area, appeal against a decision and research government policy.

Website: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

Email: [support@planningportal.gsi.gov.uk](mailto:support@planningportal.gsi.gov.uk)

### **Department of Communities and Local Government (DCLG)**

The DCLG provides general information on the planning system including the latest national planning policy, decisions on planning appeals, research and statistics and reform of the planning systems.

Website: [www.communities.gov.uk](http://www.communities.gov.uk)

Email: [contactus@communities.gov.uk](mailto:contactus@communities.gov.uk)

Postal Address: Eland House, Bressenden Place, London SW1E 5DU

Tel: 030 3444 0000.

### **The Planning Inspectorate**

The Planning Inspectorate processes planning appeals and holds examinations into planning policy documents.

Website: [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Postal Address: The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BSI 6PN.

### **Planning Aid England (PAE)**

Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees.

Website: [www.rtpi.org.uk/planningaid](http://www.rtpi.org.uk/planningaid)

Email: [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk)

Postal Address: The Royal Town Planning Institute, 41 Botolph Lane, London EC3R 8DL

Tel: 020 7929 9494.

## APPENDIX 5

### GLOSSARY

**Adopted:** Final agreed version of a Local Plan or Supplementary Planning Document (SPD) accepted through a formal resolution of the Council, or authorised Executive Member.

**Annual Monitoring Report (AMR):** Document produced each year recording and presenting progress on all elements of the Local Plan where measurement is required.

**Inspector's Report:** Document produced by an independent inspector from the Planning Inspectorate. It assesses the soundness and robustness of the Local Plan.

**Local Development Scheme (LDS):** The LDS sets out Middlesbrough Council's proposals for reviewing the Local Plan or other planning policy documents and the timetable for producing them.

**Localism Act:** The Localism Act has devolved greater powers to local government and neighbourhoods and given local communities more rights and powers over decisions about housing. It also includes reforms to make the planning system more democratic and more effective.

**Local Plan:** The new term for a local planning authority's local development framework. The Local Plan comprises planning policies for a local planning authority's area.

**Material Consideration:** A factor to be taken into account when making a planning decision.

**National Planning Policy Framework (NPPF):** A document setting out the Government's national planning requirements, policies and objectives. It replaces much of the national advice previously contained within Planning Policy Statements, Planning Policy Guidance and Circulars. The NPPF is a material consideration in the preparation of Local plan documents and when considering planning applications.

**Neighbourhood Plan:** A duty under the Localism Act 2011 which gives authorised groups the power to prepare a development plan for their area. This plan could include general planning policies and allocations of land for new development.

**Other Planning Policy Documents:** These include planning policy documents (which form part of the statutory development plan) and Supplementary Planning Documents (which do not form part of the statutory development plan). These documents collectively deliver the spatial planning strategy for the local planning authority's area.

**Section 106 Agreement:** Requirements of developers as part of planning permissions. These are agreed in the planning application process, to provide contributions (usually financial) to develop facilities / amenities for the local community (e.g. education, open space).

**Stakeholder:** A person, group, company, association, etc. with an interest in, or potentially affected by, planning decisions in the borough.

**Statement of Community Involvement (SCI):** A document which sets out the standards which an authority will achieve with regard to involving local communities in the preparation of Local Plans, other planning policy documents and development proposals.

**Strategic Environmental Assessment (SEA):** An environmental assessment which complies with the EU Directive 2001/42/EC. The environmental assessment involves the preparation of an environmental report, the carrying out of consultations, the taking into account of these in decision making, the provision of information when the plan or programme is adopted and showing that the results of the environmental assessment have been taken into account.

**Supplementary Planning Document (SPD):** Documents which local planning authorities may prepare which will provide additional supporting information in respect of policies in the Local Plan. They do not form part of the Local Plan and are not subject to independent examination but they will be treated as a material consideration when determining planning applications.

**Sustainability Appraisal (SA):** A tool for appraising policies and documents to ensure they reflect sustainable development objectives. All policies and documents must be subject to a sustainability appraisal.