

SCI Update January 2013

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1. Introduction

The National Planning Policy Framework continues to place emphasis on early engagement with interested parties in Development Management and the development of Local Plan documents, indicating that a wide section of the community should be proactively engaged.¹

Under section 18 of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities (LPAs) are required to produce a Statement of Community Involvement (SCI), which outlines the Council's strategy for involving community groups, stakeholders and other organisations in the preparation and review of planning policy documents, and in the consideration of planning applications. This SCI has been produced in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations).

The approach to consultation as set out in this document will apply directly to all future Council planning documents prepared and in processing planning applications. The objectives and guidelines set out will be in line with those established as part of the wider Council approach to community engagement and will mirror the approach taken in the preparation of other Council plans and strategies.

Role of the SCI

Gateshead Council Local Planning Authority (LPA) will have to comply with the standards and methods of consultation as set out in the approved SCI when preparing and reviewing planning documents within the Local Plan and in Development Management. This will ensure that the Council will meet the minimum statutory requirements for undertaking consultation on documents as set out in regulations² and planning applications, in addition to ensuring that a wide range of different methods of community involvement are undertaken.

To comply with regulations all Local Plan documents must be accompanied by a statement of representations, which outlines how the local community and stakeholders were involved in the process at the submission stage³ and Supplementary Planning Documents, which are not required to be submitted to the Planning Inspector should also be accompanied with a statement of representations procedure⁴ prior to adoption by the LPA. Statements of representation procedure must include details as to who has been involved and how they were consulted and must include a summary of the issues raised and identify how those issues have been addressed.

¹ Paragraph 155 of the National Planning Policy Framework published by DCLG 2012, <http://www.communities.gov.uk>

² Town and Country Planning (Local Planning) (England) Regulations 2012

³ Section 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁴ Section 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012

Although it is not the purpose of the SCI to specify exactly what type of consultation method should be used in every case, it is important that a wide range of consultation methods are considered for every consultation exercise as there are many different ways in which people and groups can be involved. The table in section 4 of this report sets out a range of different methods of consultation which may be used depending on a variety of different circumstances.

Failure to meet the standards as set out in this SCI document may result in Local Plan documents not being adopted as policy and may also leave Supplementary Planning Documents open to legal challenge. Local Plan documents must be determined as 'sound', and one 'test of soundness' is that the planning document has been prepared in accordance with the approved SCI (or relevant regulations if the SCI is not in place). The tests of soundness can be found in Appendix 2.

Why Involve the Community in Planning?

The National Planning Policy Framework indicates that early engagement with a wide section of the community should be undertaken to ensure that planning policies reflect and incorporate an agreed set of priorities and collective vision. Different people have different needs and they may disagree about priorities. It is only through early and effective engagement between the Council local communities and stakeholders that the best and most sustainable planning outcomes may be achieved. Planning in the past has been seen as a remote and complicated process, full of technical terms and jargon. We view this as an opportunity to remove the traditional barriers perceived as being between the Council and local communities, and to be as inclusive as possible.

Effective community involvement requires processes for;

- Informing communities about policies and proposals in good time;
- Enabling communities to put forward their own ideas and participate in developing proposals; rather than simply commenting on fixed proposals;
- Consultation on formal proposals; and
- Providing feedback

Consultation and engagement should improve relationships between the Council and the community allowing community concerns to be identified, understood and addressed. Local expertise, knowledge and opinion are vital pieces of information which can be used to inform the production of proposals for the local community, with the local community based on good decision making.

The Role of Planning Officers

Planning Officers are generally available by prior appointment to discuss issues raised during the production of local development documents and in relation to pre-application and planning application enquiries.

Across the Council there are three teams of planning officers;

The **Spatial Development Team** produce the planning documents which are used to inform decisions made on planning applications. This includes the production of evidence base, carrying out consultation on emerging documents and the production of any guidance required to support local development documents.

The **Development Management Team** have the responsibility for assessing planning applications and giving pre-application planning advice in accordance with local plan documents, the NPPF and other material considerations.

The **Area Regeneration & Historic Environment Team** leads on the delivery of neighbourhood development and regeneration. Its role is to translate the council's strategic ambitions and plans for Gateshead and its constituent neighbourhoods into reality through a programme of place-based projects. The work of the team, whilst focussed on delivery, embraces policy and regulatory activities in order to ensure that all change in a neighbourhood is consistent with the council's ambition. Thematically the teams work embraces economic development (including skills and worklessness), housing, transport, infrastructure, health, education and sustainability policy aims with the overall goal of creating neighbourhoods of choice.

The Role of Councillors

Gateshead Councillors as elected representatives have an important decision-making role either through the full Council, Cabinet or a specific committee. They have an important function in creating development plans for the Borough.

Whilst Councillors are willing to receive and consider the views of their constituents on planning matters, it should be noted that if any person wishes to formally comment on a planning document or application they should write to the Service Director of Development & Public Protection or as otherwise indicated in consultation documents.

Who Will We Consult

Anyone is able to respond to consultations on the Local Plan, including large organisations, local businesses and interested individuals. The 2012 Regulations set out the minimum consultation standards which must be met⁵ and determine that at different stages in the production of Local Plan documents, the Council must write to bodies and organisations which are specifically named under the regulations.

It is the aim of the Council through this document to take a more inclusive approach to involving the general public, stakeholders and other consultees in planning issues and processes in ways that everyone can understand. A full consultee list is available at Appendix 1.

⁵ Sections 12 – 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Although the emphasis as set out in government guidance is on early involvement and engagement in the planning process, formal processes are important in that they ensure everyone with an interest has a clear opportunity to comment on proposed plans, documents and other proposals.

A database containing contact details of groups and individuals interested in the development of our plans is used to keep those registered informed of progress and future consultations. The database is linked to our online consultation portal and also contains comments and representations made on previous Local Plan Document consultations. Interested parties wishing to be added to the consultation database should email ldf@gateshead.gov.uk.

How Responses will be dealt with

The Council is committed to taking account of consultation responses and findings and it is important to keep you informed of how your representation is being dealt with. Appropriate feedback will be provided to those who participate in either the informal or formal consultation exercises on Local Plan Documents, Supplementary Planning Documents and as part of the development management process. Feedback to comments made will be dependant upon the consultation exercise carried out; for example if you submit a written representation, the Council would endeavour to acknowledge its receipt as soon as is reasonably practicable. If you request a document, the Council will direct you to where the document would be available to view, or tell you where you can obtain a copy and whether there would be any charge payable.

Planning Aid

Planning Aid is a voluntary service which provides free, independent and professional advice and support on town planning matters to disadvantaged community groups and individuals. Planning Aid can provide a useful link for local communities allowing them to be more involved in participation within the planning system.

Planning Aid can help you to: comment on planning applications, get involved in the preparation of local plan documents, produce neighbourhood plans, apply for planning permission or appeal against the refusal of planning permission.

Planning Aid can be contacted via the following methods:

Website address: www.planningaid.rtpi.org.uk

Planning Aid Advice Line

Tel: 0330 123 9244 (local call rate from landlines and mobiles)

Email: advice@planningaid.rtpi.org.uk

Planning Aid England - other enquiries

Tel: 0203 206 1880

Email: info@planningaid.rtpi.org.uk

2. Links to other Plans, Strategies and Corporate Initiatives

The SCI will have regard to other council initiatives and strategies which promote involvement and participation. Gateshead's Local Plan development process and development management will also have regard to the wider council approach to community involvement and will reflect the wider aims and objectives which they set out.

Gateshead Communities Together 2012 - 2015

"Gateshead Communities Together" is Gateshead's Community Cohesion Strategy and Community Development Strategy combined. It seeks to set out, for everyone engaged in activities that impact on communities, the processes, methodologies and resources that will support this work. It aims to empower people at all levels to enable them to influence decisions, by giving them the opportunity to make a meaningful contribution in the development, design, planning and delivery of services they receive and the physical environment they live and work in.

Vision 2030

Vision 2030 is Gateshead's Sustainable Communities Strategy which has been produced by Gateshead Strategic Partnership (GSP). The GSP's role as a facilitator of community engagement and involvement enables a wide range of individuals, stakeholders and other groups to be involved in various initiatives including the planning process.

Equality Duty

Local Plan documents and determination of planning decisions must comply with the general duty in the Equality Act 2010. In addition, Gateshead has included equality considerations in its policies in the Local Plan which will also be held in regard in relation to planning matters.

The Council Plan 2012-17

The Council has published its Council Plan 2012 – 17 which describes the priorities for the next 5 years. The Council will focus on: meeting the needs of Gateshead residents and reducing inequality, delivering our long term strategy, Vision 2030, delivering our ambition of sustainable economic growth and well being, focusing on our 'have to do', statutory functions (strategic, democratic, safety).

Gateshead Strategic Needs Assessment (GSNA) 2012

The purpose of the Strategic Needs Assessment is to provide an evidence base of the key socio-economic needs in Gateshead. It is used to inform policy and resource delivery, specifically informing the Corporate Plan and Vision 2030.

The Strategic Needs Assessment brings together a range of thematic needs assessments that the Council is involved in producing, including; Children Gateshead; the Economic

Assessment; Safer Gateshead Assessment, the Local Development Framework and assessments for health and social care. These, together with other sources of intelligence and customer insight, build a more strategic picture of need, along with evidence about what works.

3. Community Involvement and Gateshead Local Plan

The Local Plan

In 2012, the planning system was reformed and the National Planning Policy Framework (NPPF) was introduced as a smaller concise document, replacing previous national guidance. Subsequently the Council's planning policy documents and strategies are now to consist of the Local Plan, which incorporate the strategic policies for the Borough as well as land allocation, designation and development management policies, which are used to determine the outcome of planning applications.

The Government now wants to give local people more of a role in shaping their neighbourhoods and this has been reflected in the recently enacted Localism Act 2011 and the NPPF.

In order to be adopted as statutory local plans, documents are subject to a review by an independent planning inspector in which an examination of the local plan documents will be carried out to determine whether they have been produced in line with the correct regulations, have regard to the requirements of the Duty to Cooperate and also whether they are sound. This examination is inclusive of an inquiry in public at which anyone with interests in the plan can submit their representations to the Inspector.

As set out in paragraph 182 of the National Planning Policy Framework, the plan must therefore meet the following requirements:

- Be positively prepared;
- Be justified
- Be Effective; and
- Be consistent with National Policy

Gateshead's Local Plan

Gateshead's Local Plan will be made up of a number of documents, some of which are being jointly produced with Newcastle City Council. Gateshead's Local Plan will be made up of the following documents;

Part 1 - NewcastleGateshead One Core Strategy and Part 2 - Urban Core Area Action Plan

The One Core Strategy and Urban Core Area Action Plan is being jointly produced with Newcastle City Council. Once the development plan document is adopted it will set out the overall vision, aims, objectives and strategic policies for both Gateshead Borough and Newcastle City up to 2030, as well as focusing on areas undergoing major change or requiring special protection with the Urban Core boundary as defined within the document. The Urban Core boundary is inclusive of Gateshead Centre and Gateshead Quays.

Part 3 - Making Spaces for Growing Place Development Plan Document (MSGP)

This document will contain the site specific allocations, designations and development management policies for Gateshead. It will show which land is set aside for specific uses of land and what policies are set out in order to determine individual planning applications.

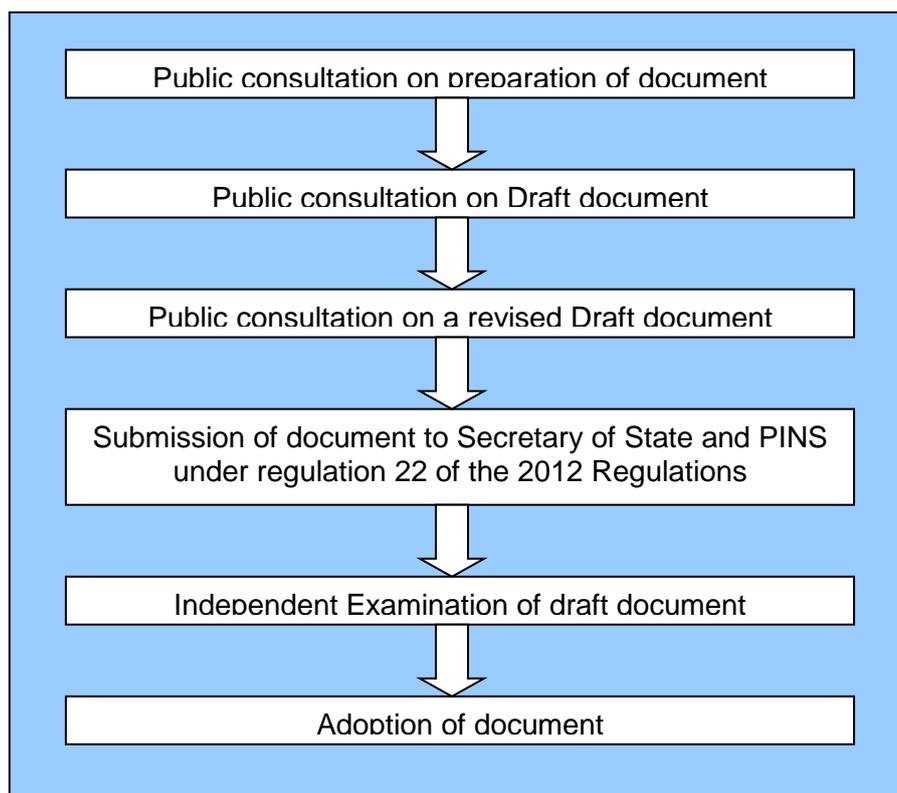
Part 4 – Metro Green Area Action Plan

The MetroGreen Action Plan will look holistically at the land use function the Metro Green Area and will take a strategic look at the areas future development.

Community Infrastructure Levy (CIL)

The CIL is a tariff based charging schedule that will require planning contributions from developers. Funding will be pooled together with other contributions and used to fund the provision and maintenance of necessary local and strategic infrastructure projects. As part of this process the Council will produce an Infrastructure Delivery plan.

Figure 1 – Consultation Stages for the Local Plan Document Production Process



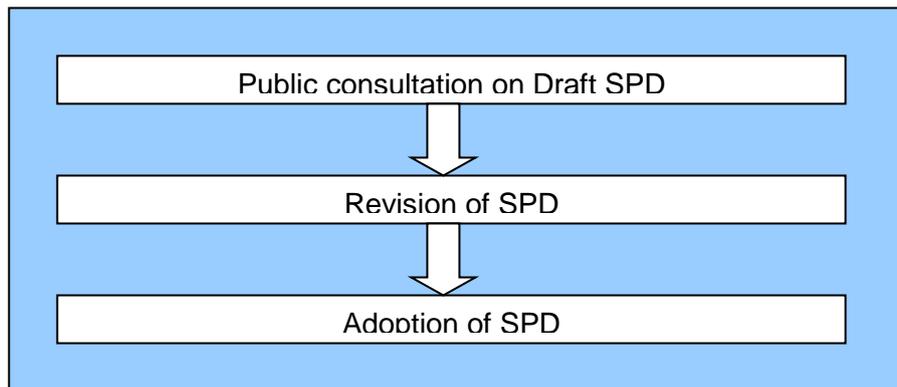
In the preparation of our Local Plan, and in addition to this SCI, we will also publish on our website the following documents:

Supplementary Planning Documents (SPDs)

SPDs may be produced to provide further guidance and detail in addition to the Local Plan relating to specific topic areas, but are not statutory planning documents and are not

subject to an independent examination. They cannot be used to rewrite adopted policies or for the allocation of land for specific uses. They will as with all Council documents have substantial community involvement as part of their preparation. In addition they will be subject to sustainability appraisal and will constitute a material consideration in the determining of planning applications.

Figure 2 – Supplementary Planning Document Production Process



Local Development Scheme (LDS)

This document sets out the details, methods of production and timescales relating to the production of local development documents. The LDS is reviewed annually as part of the Annual Monitoring Report (see below).

Annual Monitoring Report (AMR)

This document is produced every year and offers a report on the progress being made in relation to the production of LDF documents.

Neighbourhood Plans

Neighbourhood Plans and Neighbourhood Development Orders are produced by local communities themselves. Neighbourhood Plans must be in conformity with the Local Plan and national planning policy, but can set out policies for the development of land within the neighbourhood area, once they have passed through an independent examination and a local community referendum.

The Council as LPA is not required to produce neighbourhood plans but have a duty to provide advice and technical assistance to neighbourhood groups wishing to produce one. Consultation procedures for Neighbourhood Plans are set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.

4. Methods of Community Involvement

There are many methods of community involvement, each with their own advantages and disadvantages. To ensure effective engagement, it is important that several are utilised.

There is an extensive list of methods that can be used when consulting on planning policy documents. To effectively engage with residents, groups and organisations on emerging planning documents, as a minimum, a selection of the following methods will be used in combination to inform you of the proposals and plans that we are inviting comments on:

Consultation Method	Description
Publication of Documents	Documents will be made available for reference during consultation periods at the D&E Reception in Gateshead Civic Centre and in major libraries across the Borough. All planning documents will also be available on our website, and copies of draft documents will be made available on request. Documents in different forms can be made available on request, for example large print.
Letter and Emails	<p>All residents, groups and organisations that are registered on our consultation database will be informed of a consultation relating to planning policy documents by letter or email. Those registered will have previously expressed an interest in the development of local planning policy and may have commented during previous consultations.</p> <p>Letters will also be sent to statutory bodies that we are required by law to consult and engage with. A full list of statutory consultees is available at Appendix 1.</p>
Press Releases and Public Relations	Local newspaper articles allow us to reach a wider audience and the Council will make use of press releases to inform the community of key consultation dates by issuing appropriate press releases.
Council News Magazine	The Council's Council News magazine is delivered to every home and business in the Borough and will be used to keep you up to date with emerging proposals and inform of upcoming consultations.
Council Website	All draft documents will be made available on the council's planning policy website. The use of our website is one of the most efficient ways of keeping you up to date, and means we can make large policy documents and evidence base instantly available.

Drop-In Events	<p>Drop-in events give people chance to look at draft documents, plans and proposals as well as to speak to planning officers one to one. These are effective in allowing anyone to ask the questions they want to know answers to in an informal and relaxed setting, whilst being able to review information available. Where possible we try to get Gateshead Community Network to facilitate these events so that there is an independent body there if people prefer to talk to them rather than a Council Officer</p> <p>Where necessary targeted drop in events will be held to increase participation from minority groups such as the Jewish community or disabled residents.</p>
Public Meetings	<p>We generally tend to steer away from scheduling public meeting style events as it often occurs that one or two more vocal individuals ask questions, takes away the opportunity for the remaining majority of people to get involved.</p> <p>We prefer to use the format of drop in style events when consulting with local residents as we feel this method allows a greater number of people to ask the questions they want to know answers to, directly to planning officers working on the plans. Drop in style events are also more flexible in terms of allowing people to arrive at any time during the scheduled time period, whereas public meetings are restricted in having a set start time.</p>
Workshops	<p>Workshops allow the opportunity for people to play a more interactive role in the production of development of local plans and policies for areas where no development options have been determined. Often workshops can be beneficial to carry out when engaging with existing community groups and young people as they provide a fun way to get involved in the planning process.</p>

5. Community Involvement and Development Management

What is Development Management?

The Development Management (DM) team is responsible for making recommendations and delegated decisions on planning applications. Such decisions are currently made in line with an up to date development plan, which is at present the Unitary Development Plan (2007) as amended by the 2010 UDP Saved Policies where they conform to the National Planning Policy Framework. Upon the adoption of our Local Plan, this will then replace the saved policies.

National planning policy and guidance allows a certain degree of flexibility in the decision making process, with planning applications being required to conform to the provisions of the development plan, unless material considerations indicate otherwise.

Guidance does place importance on seeking and taking note of the views of residents and other stakeholders and regulations specify who should be consulted. This section of the SCI describes how the Council will involve individuals, the wider community, stakeholders and interested groups/organisations in the DM process.

Pre- Application Advice and Consultation

The Council places a great emphasis on the benefits of seeking pre-application advice for all types of development before planning applications are submitted. Pre-application discussions can confirm whether the principle of development would be acceptable and allows clear advice to be given on what information is required in order for a planning decision to be made.

Whilst there is a charge for the pre-application advice service, these charges are made in accordance with the provisions of the Local Government Act 2003. The fee required depends on the nature of your enquiry and the scale of development proposed.

Whilst the Council cannot insist on pre-application consultation, developers are encouraged to consult with neighbours and statutory bodies before submitting an application. The Localism Act⁶ sets out the requirement in relation to pre-application consultation and the NPPF⁷ places emphasis upon pre-application engagement to be carried out by those who are not legally required to do so.

For major and strategic applications part of the pre application process allows developers to present their schemes to members of the Councils including those on Planning and Development Committee. Developers/applicants must also engage with local communities for such applications at pre application stage as directed by the Localism Act.

⁶ Section 122 of the Localism Act 2011

⁷ Paragraphs 188 – 195 of the National Planning Policy Framework

Planning Applications

There are a variety of ways in which planning applications are publicised and information relating to applications is made available.

For most planning applications, as a minimum letters are sent to occupants of all immediately neighbouring properties that share a boundary with, or are opposite to the site of the application and who may be affected by the proposed development. The majority of applications require only neighbour notification, sometimes this is supplemented with a site notice and/or press notice. The relevant representations of any such consultation will be reported and taken into account when assessing the application in order to make a decision.

A full overview of the ways in which planning applications and their information will be published is set out in the following table:

Publication of Planning Applications	
Consultation Method	Description
Weekly List	A weekly list of all planning applications submitted is available via a Public Access search on the Council's website and is made available for public inspection at the Civic Centre. The weekly list is also distributed to other sections within the Council.
Public Access	Customers can register on the Council's Public Access system and set their profile to be informed of planning applications in geographical areas (for example ward areas)
Statutory Planning Register	A list of all current applications and past decisions, is also available for inspection.
Neighbour Notification	Occupiers of premises most likely to be affected by a proposal (usually immediate neighbours) are notified in writing that an application has been received and that it can be inspected at the Development & Enterprise reception or on the Council's public access website; http://public.gateshead.gov.uk/online-applications/ and commented on in writing within 21 days, or 28 days in the case of an application potentially a Site of Special Scientific Interest (SSSI) consultation area.
Site Notices	Enable a wider level of publicity to be afforded to applications and are used when a proposal's impact is such that it requires wider consultation than can be achieved by neighbour notification alone.
Newspaper notices/Advertisements	Normally only required for major development or specific types of development, (such as development in a conservation area and/or affecting a listed building) and will usually be carried out alongside neighbour notification.

Application Decision Taking and Planning and Development Committee

The majority of applications are determined by Officers under the Authority's scheme of delegated powers. Delegated decisions are taken in relation to applications which by virtue of their nature and scale do not raise significant policy issues or do not have other material considerations that would lead to greater complexities. Such applications are inclusive of minor applications including but not limited to household extensions, individual dwellings, changes of use and advertisements.

Under some circumstances applications will be decided by the Planning and Development Committee. These are generally applications that are more controversial by nature or scale and often receive more publicity and require scrutiny by Councillors. The following types of application are currently determined by the Planning and Development committee;

- Major Applications.
- Applications which would have significant environmental or economic impact.
- Applications which have given rise to 3 or more objections.
- Applications which have been referred by Council Members.

The committee report is made available to the public at least five working days before the meeting (on the Council website). The neighbour notification letter advises that anyone wishing to speak at committee must first make that request in writing to the Council usually in their letter of representation. The committee meeting is a useful way of voicing your concerns over a planning proposal. It should be noted however that only planning issues can be taken into consideration and that the final decision rests with the Councillors who make up the Committee. A protocol exists that sets out who is able to speak at committee, both for and against applications and the time available to them. This is available on the planning pages of the Council website.

Notification of Decision

Once a decision has been reached, the planning permission or refusal certificate is sent to the applicant advising of the outcome. There is no statutory duty on the Council to notify persons who have made representations of the decisions made however the Council will inform those who have submitted representations as a matter of general courtesy.

Planning Appeals

If planning permission is refused, applicants or their agents on their behalf have the right to appeal against the decision made. There are currently no provisions for a third party including objectors to appeal.

The appeal process is administered by the Planning Inspectorate (PINS) on behalf of the Secretary of State. The applicant should contact PINS if they wish to appeal. When an appeal is received, the LPA, original neighbour consultees and any other consultee who made a written representation will be notified in writing. Applicants who have received planning permission can also appeal against the imposition of planning conditions.

Appendix 1 – List of Statutory Consultees and Duty to Cooperate Consultees

- Environment Agency
- English Heritage
- Natural England
- Highways Agency
- Civil Aviation Authority
- Homes and Communities Agency
- Gateshead Primary Care Trust
- Office of Rail Regulation
- Tyne and Wear Integrated Transport Authority
- North East Local Enterprise Partnership
- Neighbouring Local Authorities, inclusive of;
 - Newcastle City Council
 - Durham City Council,
 - South Tyneside Council, and
 - Sunderland Council
 - Northumberland
- Northern Electric Distribution Ltd
- Northern Gas Networks Ltd
- Northumbria Police
- Northumbrian Water
- Network Rail Infrastructure Ltd.
- The Coal Authority
- Marine Management Organisation
- Local Nature Partnership
- General Consultation Bodies:
 - Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area,
 - Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area,
 - Bodies which represent the interests of different religious groups in the local planning authority's area,
 - Bodies which represent the interests of disabled persons in the local planning authority's area,
 - Bodies which represent the interests of persons carrying on business in the local planning authority's area,

Appendix 2 Tests of Soundness

The tests of soundness are set out in the National Planning Policy Framework (NPPF) (para 182): "The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is 'sound' ", namely that it is:

1. Positively Prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements
2. Justified: the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence
3. Effective: deliverable over its period based on effective joint working on cross-boundary strategic priorities
4. Consistent with national policy: enabling the delivery of sustainable development