

# South Tyneside Local Plan

Statement of Community Involvement

February 2022



South Tyneside Council

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SOUTH  
TYNESIDE**

**To find out more about the Local Plan, please contact:**

Spatial Planning Team

South Tyneside Council Town Hall and Civic Offices,

Westoe Road South Shields,

NE33 2RL

E-mail: [local.plan@southtyneside.gov.uk](mailto:local.plan@southtyneside.gov.uk)

Visit: [www.southtyneside.gov.uk/planning](http://www.southtyneside.gov.uk/planning) If you know someone who would like this information in a different format contact the communications team on (0191) 424 7385

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## 1. INTRODUCTION

### WHAT IS PLANNING?

1.1 Planning affects everyone. It shapes how places look and work. Planning addresses the need for new homes, facilities and infrastructure whilst protecting the countryside, heritage, open spaces and wildlife habitats.

1.2 All Councils are required to prepare development plan documents (commonly referred to as 'Local Plans') for their areas and keep these up to date. Presently, the Council's adopted development plan comprises a suite of themed documents which can be found at: <https://www.southtyneside.gov.uk/article/36015/Local-Development-Framework>.

1.3 Work has already begun on the South Tyneside Local Plan. Once adopted, it will form part of the Borough's new development plan and will help shape the Borough to 2039. The Plan will influence how our towns, villages, coast and countryside may change, where we live, work and shop and play, and how we move around. When preparing Local Plans, Councils should consider local issues, but must be consistent with national planning policies.

1.4 Councils also decide whether to permit or refuse planning applications. When someone applies for permission for a new development or to change the use of land or buildings, the development plan will be the starting point to judge the merits of the proposal. Proposals may be small scale, like an extension to a house, but they may be large, for example, a new shopping centre or large housing development.

### WHAT IS THE COUNCILS PLANNING FUNCTION?

1.5 The Council's planning functions can be grouped into three categories:

- Plan making
- Decision Making
- Ensuring Compliance

#### PLAN MAKING

1.6 Plan making consists of three elements: the Local Plan, Supplementary Planning Documents and Neighbourhood Plans. The programme for producing planning policy documents is set out in the Local Development Scheme and includes a list the documents to be produced along with timescales for their preparation

#### Local Plans

1.7 The Local Plan sets out the overall planning approach and long-term vision for the Borough. It sets out strategic policies as well as site specific proposals such as key development sites. Local Plans are consulted on and examined by a Planning Inspector at a public examination prior to adoption. The Local Plan will be accompanied by a policies map which shows the areas where policies (such as conservation areas) and site specific proposals apply. Local plans have statutory weight in the determination of planning applications. In other words they are required by law.

#### Supplementary Planning Documents

1.8 Supplementary Planning Documents provide additional guidance and information on policies and can be specific to a particular policy theme or location. They cannot introduce new policy and so do not have statutory weight in the determination of planning applications. However they can be a material consideration, in other words they contain issues that should be taken into account. Supplementary Planning Documents are consulted on but are not subject to an independent examination.

### **Neighbourhood Plans**

1.9 Neighbourhood Plans were introduced in the Localism Act 2011. They are an important and powerful tool that give communities the statutory power to shape how their areas develop. They have real legal force as they contain the policies that will be used alongside the Council's own Local Plan and are applied, where relevant, in deciding planning applications. Neighbourhood Plans are prepared by local communities or local businesses and not by the Council. As such, it will be for the Neighbourhood Forum (the group set up to draft the Neighbourhood Plan) to decide how they wish to involve local people and businesses in the drafting of their Plans.

## **DECISION MAKING**

1.10 Planning and related applications should be considered against the policies in the Local Plan unless material considerations indicate otherwise. When planning applications and related applications are considered, we look at whether the proposed development is in accordance with the policies in the Local Plan alongside the policies within the National Planning Policy Framework.

## **ENSURING COMPLIANCE**

1.11 The Council has discretionary power to take action against development that has been carried out without planning permission or where a development has not taken place in accordance with the consent granted. The local planning authority will assess the level of harm that is being caused to the local area and make an informed decision whether it is expedient and in the public interest to seek to rectify the breach.

## **WHAT IS THE STATEMENT OF COMMUNITY INVOLVEMENT?**

1.12 South Tyneside's planning documents and the decisions taken on planning applications affect everyone. It is important that those affected have an opportunity to be heard and have their views considered.

1.13 Under the 2004 Planning and Compulsory Purchase Act, Councils are required to produce a Statement of Community Involvement outlining how we will involve communities in the plan making process in accordance with the Town and Country Planning Regulations (Local Planning) (England) (2012).

## **COMMUNITY ENGAGEMENT PRINCIPLES**

1.14 It is important that everyone is given the opportunity to get involved in planning decisions, including where to provide the homes that will be needed, how new job opportunities will be created, how people will get around, and the quality of the environment. The Council will aim to make the planning process more accessible to everyone within the community, including those

who have not traditionally engaged or may have felt excluded from planning decisions. The Council will use the following principles of engagement:

**Communicate clearly** by making it clear we want to involve you and stating whether the consultation is formal or informal. The Council will advertise and promote consultation events using the most appropriate methods to encourage involvement. Documents will be made available in a variety of formats upon request (such as different languages, large print and Braille). Documents and feedback forms will be set out in a clear and simple way, minimising the use of jargon where possible or otherwise clearly explaining terminology used.

**Make it easy for you to get involved** by making it clear how, when and where you can make your views known. The Council will try to ensure that our public planning events are as accessible as possible for all groups, taking into account time and possible costs of attending. The Council will also help groups with little or no knowledge of the planning process and encourage involvement from groups that have traditionally not been involved in the planning process.

**Make sure your involvement is effective** by listening to your views early in the planning process. The Council will make it clear what can and cannot be changed and make sure you have enough time and notice of opportunities to get involved.

**Make documents freely available** for residents, groups, and businesses within the Borough, ensuring that there is no charge for being able to view copies of the Local Plan documents.

**Share information** and provide feedback by ensuring that the Local Plan drafts documents are publicly available, including on the Council's website, and making all relevant background documents available for public reference. The Council will consider all comments received and provide feedback on how these have been considered.

**Keep the process simple** making use of existing community involvement networks already operating in South Tyneside. Where possible, the Council will group together consultations on several planning documents / issues.

## STRUCTURE OF THIS STATEMENT OF COMMUNITY INVOLVEMENT

1.15 This Statement of Community Involvement, set out under each planning function, explains who can be involved and how.

## 2. LOCAL PLANS

2.1 Preparing or reviewing a Local Plan is an evolutionary process. Throughout the process the Plan and the policies within it will continue to be refined to reflect the outcomes of consultations, new and updated evidence and any changes to national policies and guidance. Whilst it is rarely possible to resolve or address everyone’s concerns, the process allows the Council to resolve as many relevant planning concerns as possible by the time the Plan reaches the examination stage.

2.2 There are several stages in the preparation of a development plan document as illustrated in Figure 1 below.

Figure 1: The Stages of Local Plan preparation



### STAGE 1: PREPARATION AND EARLY ENGAGEMENT (REGULATION 18)

2.3 This is an early stage of plan preparation where the Council is gathering evidence, considering the relevant issues, and looking at the context for new policies and proposals. This is where the process of engaging with residents, businesses and all other stakeholders will begin. At this stage, plans are at their most flexible so it important that discussions take place on what policies are needed and how the Plan should look.

2.4 There is no statutory requirement to produce a Pre-Publication draft Local Plan (Regulation 18). However, where one is produced it will set out the policies and proposals in full and allow you to comment on whether you consider this to be the correct way forward.

### STAGE 2: CONSULTATION ON THE PUBLICATION DRAFT DOCUMENT (REGULATION 19)

2.5 At this stage all the evidence collected from Stage 1, including the results of early engagement, are considered and a draft Local Plan document is published for consultation. By this

point the Council will have a firmer view on what realistic options there are for policies and proposals.

2.6 At this stage the Council will consult on the formal statutory draft referred to as the Publication Draft Local Plan. Only very minor changes can be made to a Publication Draft which is why Councils will often consult on an informal draft at Stage 1 so responses can be considered, and more significant changes can be made.

2.7 The Publication Draft consultation is an important stage for anyone who believes the Plan is 'unsound' because only those who respond at this stage will have their comments forwarded to the independent Planning Inspector. As it is a formal statutory stage, representations can only relate to whether the plan has been prepared in accordance with the duty to cooperate, the relevant legal and procedural requirements, and whether it is considered to be 'sound' (justified and effective). Any representations submitted at this stage will be considered by the independent Planning Inspector at an 'examination'.

2.8 Consultation on the Publication Draft will be no shorter than six weeks.

2.9 Following consideration of the comments made on the Publication Draft, the Council will consider making minor changes in the light of comments received prior to submission.

2.10 A summary of the main issues raised in the representations to any First Draft and how these matters have been addressed will be included in the consultation statement forming part of the supporting documents for the Publication and Submission Drafts.

2.11 Any representations made in relation to the Publication Draft published on the Council website and sent to the Secretary of State for consideration at the examination.

### **STAGE 3: SUBMISSION TO THE SECRETARY OF STATE AND EXAMINATION (REGULATIONS 22 TO 25)**

2.12 By the examination stage, the Council will have considered the responses to involvement at stages 1 and 2 and will have a complete document for submission to the Secretary of State. This is the final version of the Plan which the Council will want to be considered at the independent examination. This Submission Draft will be submitted to the Secretary of State together with the supporting documents (for example the policies map and Sustainability Appraisal), copies of the consultation responses to the Publication Draft, and the evidence documents that support the Plan.

2.13 An independent Planning Inspector will be appointed by the Secretary of State to examine the document for its 'soundness' and legal compliance. The examination technically commences when the Local Plan is submitted and concludes when the Inspector issues their report to the Council.

2.14 If you submit a response (whether objecting or supporting policies) to the Publication Draft, these will be provided in full to the Secretary of State and made publicly available (subject to the terms of our Privacy Notice). A summary of the key issues raised at earlier consultation stages will be summarised in the supporting documents submitted to the Secretary of State.

2.15 To meet the statutory requirements, the Council will:



- Contact those people who requested to be notified of the submission of the document to the Secretary of State
- Make the Submission Draft Plan and statutory supporting documents available for inspection at Council offices and on the Council's website
- Send each of the general consultation bodies and the specific consultation bodies which were invited to make representations under regulation 18 notification that the documents are available for inspection, and of the places and times at which they can be inspected.

2.16 In addition to the steps above, the Council will:

- Publicise details of the hearing sessions at least 6 weeks before they are scheduled to take place
- Make any other relevant documents (the examination library) available for inspection at Council offices (by arrangement) and at the examination hearings.

2.17 An examination will be held by an independent Planning Inspector to test whether the document meets the tests of soundness set out in the National Planning Policy Framework, the duty to cooperate and the legal and procedural requirements. This includes an assessment of the evidence base for the plan and the outcomes of the Sustainability Appraisal. The independent Inspector will consider any representations made at Publication Draft stage.

2.18 Those people who have made a representation to the statutory Publication Draft document will receive written notification of the examination venue, date and time. They will usually be contacted by the 'Programme Officer' for the examination, an independent person appointed by the Council to give administrative support to the Planning Inspector.

2.19 The Government encourages representations to be dealt with in writing but any person who makes representations seeking to change the document must, if they request, be given the opportunity to appear before and be heard by the Inspector carrying out the examination. This will be at the invitation of the Inspector who will determine those matters to be discussed at the Examination. Written representations carry equal weight to those presented orally at the examination.

2.20 The Inspector will decide whether and how any oral representations will be heard. This usually takes place as a round table debate chaired by the Inspector. No new representations can be submitted at this stage.

2.21 Any person can attend the hearing sessions to watch but will not be able to participate unless invited to by the Inspector.

2.22 There are three possible outcomes to the examination:

- The Inspector finds the Plan sound and legally compliant as submitted. In these circumstances the Inspector must recommend that the Plan is adopted
- The Inspector finds that the plan is unsound and/or legally non-compliant but it is possible to make the Plan sound and legally compliant by making main modifications to it
- The Inspector finds the plan unsound and/or legally non-compliant and it is not possible to make it sound and legally compliant by making main modifications. In these circumstances the Inspector must recommend non-adoption of the Plan.

2.23 The Council may ask the Inspector to recommend “main modifications” be made to the Plan to make it sound and legally compliant. The Inspector will agree the text of the proposed main modifications based on discussions at the hearing sessions.

2.24 Any change to the submitted Plan that would materially affect the Plan’s policies can only be made as a Main Modification recommended by the Inspector. Main Modifications range in scope from redrafting parts of a policy or the reasoned justification, to the deletion of whole policies or site allocations and the insertion of new ones.

2.25 All proposed Main Modifications will be subject to public consultation. The Main Modifications document will be made available for consultation for at least 6 weeks. We will notify those on our consultation database of the consultation and publish a press release. At this stage we will not hold drop-in sessions or public exhibitions.

2.26 Consultation at this stage will be strictly confined to those Main Modifications proposed and will not be an opportunity to go over issues discussed at the Examination or raise any new issues.

2.27 The Inspector will consider all representations made at this stage before finalising the examination reports and the schedule of Main Modifications. Further hearing sessions may be held where the Inspector considers this essential to deal with substantial issues raised in the representations.

#### **STAGE 4: ADOPTION**

2.28 Following examination of a Local Plan, the Inspector will produce a report with recommendations on any necessary amendments that are required to make the Plan sound.

2.29 On receipt of the Inspector’s Report, we will make a copy publicly available and inform those persons who asked to be notified of its publication as soon as reasonably practicable. Where necessary, the Submission Draft will be amended to reflect the Inspector’s recommendations prior to being presented to the Council for adoption at a meeting of all Members of the Council.

2.30 Once adopted, the document will become statutory planning policy.

2.31 A copy of the adopted Local Plan, and the Inspector's report, will be made available for inspection at Council offices, and on the Council’s website. A notice will be placed in the local newspaper, and anyone who has asked to be notified of adoption will be contacted.

2.32 There is no specific provision to provide representation at this final stage of the process unless you wish to legally challenge the document being adopted through the High Courts under Section 287 of the Town and Planning Act 1990 (as amended). The application must be made promptly no later than the end of the six weeks from the date set out in the Adoption Notice.

#### **WHO WILL BE CONSULTED WHEN PREPARING A LOCAL PLAN?**

2.33 Consultation throughout the local plan process should be proportionate to the likely impact of the proposal.

#### **THE LOCAL COMMUNITY**

2.34 It is important to understand the local community to ensure that engagement and consultation is effective. The Council will reach out to all areas of the community and provide

opportunities for a range of people to respond to ensure the views received are representative of the community.

2.35 The Council holds a consultee database and will directly notify everyone on the database of consultations on the Local Plan. At every stage the Council will consult those who have registered on the Local Plan database. You can request to be added onto the consultee database at any time by contacting [Local.plan@southtyneside.gov.uk](mailto:Local.plan@southtyneside.gov.uk) or Spatial Planning, Development Services, Regeneration and Environment, South Tyneside Council, Town Hall & Civic Offices, Westoe Road, South Shields, Tyne & Wear, NE33 2RL. Anyone else who responds to Local Plan consultations will also be added to the consultee database. All data will be held and used in accordance with the General Data Protection Regulations (see our privacy notice at <https://www.southtyneside.gov.uk/article/62880/Privacy-notice#:~:text=only%20keep%20your%20information%20for,of%20protection%20are%20in%20pla>ce

### STATUTORY CONSULTEES

2.36 The Council is required to ensure that certain organisations are consulted. When developing statutory documents, the Town and Country Planning Regulations (Local Planning) (England) (2012) states those groups that must be included in the consultation process.

2.37 “Specific bodies” are those organisations we are required to consult on all planning policy. “General bodies” include voluntary groups and businesses for example who may be interested to find out how proposed policies may affect them. Unlike specific bodies, there isn’t a definitive list of general bodies that must be consulted.

2.38 The Council also works closely with neighbouring Councils on strategic issues and areas of common interest as required under the Duty to Cooperate.

### HOW WILL WE CONSULT WHEN PREPARING A LOCAL PLAN?

2.39 At all stages the Council will inform all those on the Local Plan database as well as statutory consultees. The Council will endeavour to promote the consultation and get people involved through social media, press and newsletters. If the Council considers it appropriate, other methods such as face to face meetings will be utilised.

2.40 In accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012, documents will be made available for inspection in South Shields Town Hall and Jarrow Town Hall during normal office hours. Where appropriate, copies of documents will also be made available in local libraries throughout the Borough. Documents will also be published on the Council’s website. You may request a copy of a document from us; this will be made available to you as soon as reasonably practicable. There may be a charge for such requests.

### HOW WILL WE DEAL WITH YOUR RESPONSES?

2.41 The Council will consider every comment and representation received within the required deadlines and use these to guide and shape plans where appropriate. The Council must consider different views and positions on planning matters as well as ensuring any decisions made are consistent with National policy.

2.42 If your comments relate to a planning policy document, the Council will prepare a consultation statement which will set out the issues raised during the consultation and indicate whether changes have been made to the relevant document as a result. The consultation statement will be made available on the Council's website.

2.43 To be considered duly made, consultation responses must include a name and address.

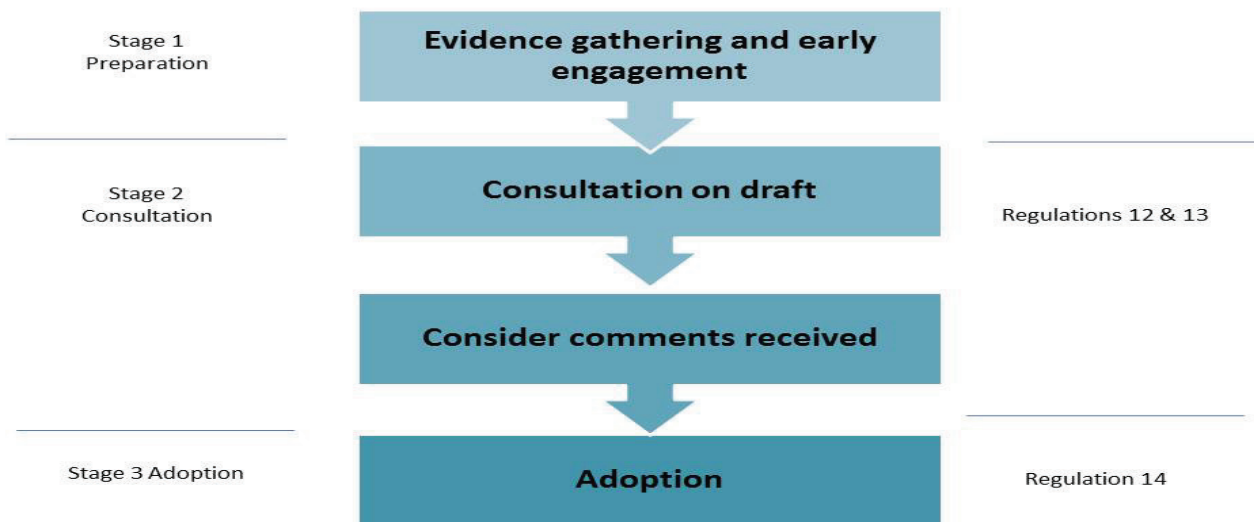
#### EMERGENCY MEASURES / COVID-19 MEASURES

2.44 There may be some circumstances, which are beyond the Council's control, such as a time of national lock-down during the COVID-19 pandemic. If the Council cannot comply with the policies in this Statement of Community Involvement, effective community engagement will continue as much as is practicable so that plan-making can continue.

2.45 Where people cannot leave their homes or access our office and/or local libraries, the Council will make full use of online engagement tools. The Council will use social media updates to keep the community informed of the process and ensure all documents are available online.

### 3. SUPPLEMENTARY PLANNING DOCUMENTS

3.1 There are several stages in preparing a Supplementary Planning Document as shown below;



#### STAGE 1: PREPARATION

3.2 This is an early stage of preparation when we are gathering evidence. Planning regulations do not require any specific form of consultation or identify any persons who must be consulted at this stage. The Council will engage with stakeholders as considered necessary.

#### STAGE 2: FORMAL CONSULTATION ON THE DRAFT SPD

3.3 At this stage, the Council is required to make the document available for public comment. The period for accepting written comments will be a minimum of four weeks.

#### STAGE 3: ADOPTION

3.4 Before adopting the document, the Council will consider all the representations made at stage 2, and will prepare a consultation statement setting out a summary of the main issues raised, and how those issues have been addressed in the document. This will be considered and approved by Cabinet.

3.5 A copy of the adopted Supplementary Planning Document along with the consultation statement will be made available on the Council's website and will be made available to people upon request. The Council will notify any person who has asked to be notified of the adoption of the document.

3.6 There is no scope to comment at this final stage of the process unless you wish to legally challenge the document being adopted. The application must be made no later than the end of three months from the date set out in the Adoption Notice.

## WHO WILL BE CONSULTED WHEN PREPARING A LOCAL PLAN?

3.7 Consultation throughout the local planning process should be proportionate to the likely impact of the proposal. The Council will consult with those specific and general consultees it considers to be affected by the document. Depending on the nature of the Supplementary Planning Document or the area to which it relates, the Council will include additional steps to involve stakeholders and the wider community so that people can comment on the draft document.

## HOW WILL WE CONSULT WHEN PREPARING A LOCAL PLAN?

3.8 At stages 1 and 2 the Council will inform all those on the Local Plan database and statutory consultees. The Council will endeavour to promote the consultation and get people involved through social media, press and newsletter. If it is considered appropriate the Council may use other methods such as face to face meetings or workshops.

3.9 In accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012, documents will be made available for inspection in South Shields Town Hall and Jarrow Town Hall during normal office hours. Where appropriate, copies of documents will also be made available in local libraries throughout the Borough. Documents will be published on the Council's website. You may request a copy of a document from us; this will be made available to you as soon as reasonably practicable. There may be a charge for such requests.

## 4. NEIGHBOURHOOD PLANNING DOCUMENTS

4.1 The Localism Act introduced three types of neighbourhood planning activity which supplement the Local Plan:

- Neighbourhood development plans
- Neighbourhood development orders
- Community Right to Build Orders.

4.2 This gives communities the opportunity to define how their neighbourhood should grow and change in the future by setting out proposals such as how new buildings should look, identifying and protecting local green space, and choosing where new development should be built.

4.3 The preparation of Neighbourhood Plans, including consultations, is the responsibility of the Neighbourhood Forum rather than the Council. However, the Council has a statutory duty to support neighbourhood planning groups from the outset. Neighbourhood Forums should be inclusive and open in the preparation of their Neighbourhood Plan and ensure that the wider community is kept informed of what is being proposed, how to make their views known, and how their views have informed the draft Neighbourhood Plan.

4.4 There are several stages that must be carried out by groups when undertaking any neighbourhood planning. Throughout these stages groups must ensure meaningful community engagement and accord with the statutory regulations. As well as providing professional support to groups, the Council also have a statutory role in this process at particular stages. The means by which these obligations need to be met by both the Council and neighbourhood planning groups are set out below.

### DEFINING A NEIGHBOURHOOD AREA AND A NEIGHBOURHOOD FORUM

4.5 Neighbourhood planning can only be undertaken by a specially designated neighbourhood forum within the designated neighbourhood area.

4.6 From the outset, the neighbourhood planning group should seek the views of the local community in terms of the proposed neighbourhood area and the issues it will seek to address through neighbourhood planning. This early stage of engagement can provide invaluable information and resources to the neighbourhood planning group and give members of the community an opportunity to become directly involved. This is important particularly given the proposal will eventually be subject to a local referendum.

4.7 A formal application will need to be made to the Council to agree the neighbourhood area and the designation of a neighbourhood forum. The application process for designating a neighbourhood area and a neighbourhood forum is very similar and often done in tandem:

- Upon submission of a formal application, the Council will need to consider whether the proposal is made in accordance with the regulations. If it is considered not to be the case, the Council will write to the group as applicant to set out what the concerns are and how they might be addressed
- If the proposal meets the requirements of the regulations, then the Council must publicise the application for 6 weeks on its website. The relevant adjacent Councils and

neighbourhood forums and local Members will be informed. Details will be displayed in the closest Council office and library to the forum area.

- When the consultation is completed, responses will be assessed to see if the proposal should be permitted. If there are valid reasons for declining the application, these will be explained to the group both in person and via a “decision document” (for Neighbourhood Area Applications) or by a “refusal statement” (for Neighbourhood Forum Applications). These will be publicised in the ways outlined above. If the proposal is acceptable, the Council will proceed to formally designate the neighbourhood area and/or the neighbourhood forum. A letter to the applicants will be issued informing them of the outcome of their application(s).

#### **PREPARATION OF A NEIGHBOURHOOD PLAN, NEIGHBOURHOOD DEVELOPMENT ORDER OR COMMUNITY RIGHT TO BUILD ORDER**

4.8 Throughout the whole preparation process the group should endeavour to facilitate meaningful community engagement with the Council as well as engagement with relevant statutory bodies. Once a neighbourhood area and group are confirmed there are several consultation stages that must be carried out by the group and/ or the Council in order that the proposed neighbourhood planning activity is undertaken in accordance with the relevant regulations.

##### ***During the preparation of the initial draft plan***

4.9 Targeted consultation will need to be undertaken by the completion of this first stage with statutory environmental bodies to determine whether a proposed plan triggers the need for a formal Strategic Environment Assessment to be undertaken as part of the plan making process. Establishing this early on will enable the outcome of this consultation to be fed into the drafting of the plan and where necessary help shape it.

##### ***Upon completion of the initial draft plan (known as pre-submission stage)***

4.10 The first formal community engagement activity will be necessary once an initial draft plan has been prepared. This stage is known as 'pre submission consultation'. It is the responsibility of the neighbourhood planning group to undertake consultation. The Council will however support such groups by advising on their proposed engagement strategy as well as hosting the consultation documents on the Council website. The group will however manage this consultation, collating and considering the responses received.

##### ***Upon formal submission of the final plan to us (known as submission stage)***

4.11 Once the outcomes of the pre submission consultation have been considered, the plan should be refined and a statement of consultation prepared which clearly states how issues raised through the consultation have been considered and the actions arising from this. This should be publicised and made available in the interests of transparency as soon as possible after the consultation period closes.

4.12 In accordance with the regulations, when receiving a proposal from a group at the Submission stage the Council will publicise the submission proposal for six weeks. The Council will:

- Place links to the plan and supporting documentation on the Council’s website
- Publish a press release



- Place copies in the nearest local Council office or library
- Notify the relevant consultation bodies as set out in the regulations
- Consult those who have already made comments at the pre-submission stage

4.13 Upon the close of the consultation period the Council will forward any responses received along with the submitted plan and supporting documents to the independent examiner alongside the groups statement of consultation.

#### ***Appointing the independent examiner***

4.14 Once the consultation of the submission proposal is completed, the proposal will be the subject of an examination by an independent examiner. It is the Council's role to appoint the examiner. Unlike planning appeals or examinations into Local Plans, the examiner does not have to be an inspector from the Planning Inspectorate but does need to be independent of the Council and the neighbourhood planning group.

#### ***Consideration of the examiner's report***

4.15 Following the examination, the Council will receive a report from the independent examiner. The report will contain one of three recommendations: proceed to referendum, proceed to referendum subject to certain amendments, or not proceed. The Council will assess the report and decide whether the recommendations should be followed, then publish on the Council's website a 'decision statement'. This statement will include the reasons for the decision, details of where the decision can be inspected, and a copy of the report made by the examiner. A copy of the statement will also be sent to the group and a follow up meeting will be arranged to discuss next steps.

#### ***Organising and undertaking a local referendum***

4.16 Once the Council has publicised the examination report and decision statement and in cases where the proposed content is acceptable, a referendum will be carried out with the local community so that they can decide whether or not the proposal should be accepted.

4.17 If there is a majority in favour of the proposal through the referendum it can be adopted once agreement by full Council is secured. Once the proposal has been adopted, the Council will publicise this decision both on the Council website and in the local press.

4.18 Further information on Neighbourhood Planning can be found on our neighbourhood planning webpage: <https://www.southtyneside.gov.uk/article/36008/Neighbourhood-Planning>

## 5. DECISION MAKING AND ENSURING COMPLIANCE

5.1 Our Development Management team is responsible for the processing of all planning applications within the Borough. Planning applications are formal requests for consent or approval to undertake some form of 'development', for example a new building, an extension to a building, or changes in the use of land or buildings.

### HAVING YOUR SAY ON PLANNING APPLICATIONS

5.2 Local planning authorities are firstly required to publicise planning applications and then to have regard to any material planning considerations that are submitted in writing in response to this publicity exercise when reaching their decisions on the applications. The publicity and consultation procedures to be followed on planning applications are laid down by Government legislation. The formal publicity and consultation period for an application will normally last for 21 days. The Council meets all of these statutory publicity and consultation requirements.

5.3 The vast majority of planning applications are submitted electronically.

5.4 All applications are available to view on the council's website (<https://www.southtyneside.gov.uk/article/35961/Search-planning-applications>).

5.5 Applications may be viewed on the council's website by searching for the address, proposal, applicant's name, agent's name or reference number for the application. It is therefore possible to view applications on a council computer at libraries or at the council's Customer Service Centres during normal office hours. Planning staff are available by phone or email to respond to any queries.

5.6 To ensure comments are taken into account it is important to make comments in writing before the publicity period for the application expires. Comments on planning applications can be made online, by email, post ([www.southtyneside.gov.uk/planningexplorer](http://www.southtyneside.gov.uk/planningexplorer), and [planningapplications@southtyneside.gov.uk](mailto:planningapplications@southtyneside.gov.uk))

5.7 All written comments made on an application will be made public as part of the planning application. Whilst we are unable to respond individually to all comments made on planning applications, all of the comments submitted will be taken into account by the planning officer assessing the proposals. Comments are summarised and commented on within the planning officer's reports. Once a decision on the application is made, the report will be publicly available so you can see how your comments were taken into account and addressed.

### PRE-APPLICATION ENQUIRIES

5.8 Planning applications must be determined in accordance with the adopted development plan, unless material planning considerations indicate otherwise. Pre-application engagement with the local planning authority offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. If used the pre-application advice service enables the council to provide an informal response regarding the planning merits of the scheme. This service requires a fee to be paid (refer to the council's website).

5.9 Pre-application enquiries are not open to public consultation. However, we encourage developers/applicants to engage with the local community and relevant interested parties, including Neighbourhood Forums, before applying for planning permission about their initial schemes. This will give local people and relevant consultees a chance to comment on the development before the application is submitted for consideration by the council. 5.10 Any pre-application engagement with the local community or relevant consultees should be carried out at an early stage in the design process, to enable any third party comments to be taken into account. . The form of consultation will need to be designed to suit the particular circumstances of the site, proposal and locality.

5.10 Pre-application engagement with the local community and relevant consultees is entirely a matter for the applicant / developer and the council cannot be drawn into these matters. However we are willing to provide advice on what level of pre-application engagement would be appropriate and as a minimum, the consultation statement submitted with the planning application will need to include:

- The houses, businesses and local community groups consulted;
- Methods and timing of consultation;
- Feedback and how this was considered as part of the proposed development.

5.11 In accordance with the Council's Constitution and national planning policy, Officers decide most applications under delegated powers. However, the Planning Committee makes decisions on major applications, and in certain other circumstances as detailed in the Council's Constitution. These circumstances include where written representations have been received and speaking rights have been requested in accordance with the Council's Speaking Rights Protocol for speaking at Planning Committee.

## THE APPLICATION STAGE

5.12 Opportunities for formal community involvement occur when applications have been made valid and when the statutory publicity period for the application has commenced. . It is at this point when the majority of residents become involved in the planning system, especially if the proposed development affects them directly. The legal requirements for advertising and notifying on planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5.13 Appendix 1 of this document sets out in detail our procedures and standards for publicising and consulting on all types of planning applications. Responses to this publicity and consultation must be made in writing for them to be taken into account as part of the determination process for the application. These representations will be summarised and assessed within the officer report, as part of the determination process for the application. The address of the person/s making the representation will be included in the officer report and will be made public as part of the planning application.

5.14 We notify affected parties (e.g. adjacent neighbours), relevant statutory consultees and where relevant the Neighbourhood Forums on planning applications. Comments received that are 'relevant to planning' are taken into account when deciding the application. The public can track the progress and decisions of planning applications, appeals and enforcement cases via our website.

5.15 When a planning application is amended or revised before it has been determined, the planning officer will need to decide whether the proposed amendments would have a material impact on amenity to warrant a further round of neighbour notification or consultee letters to be sent out. This re-notification process would be done where a neighbour or consultee has requested notification on amendments. The publicity period for this type of re-notification process with neighbours normally lasts for 14 days.

5.16 Written comments made on planning applications can be for or against the development but they must be on planning issues. Full consideration will be given, and due weight attached, to the views of the community and stakeholders. All written responses to applications are considered but, due to the volume of representations that are received, we are not able to individually respond to all questions or issues raised.

5.17 All the written representations received on any application are summarised within a report produced by the planning officer. This report will highlight the main planning issues alongside relevant planning policy and set out how these have been taken into account by the planning officer in their assessment of the proposal. There are sometimes concerns raised that sit outside the scope of the planning powers held by the Council as the Local Planning Authority and we will set out the reasons why limited weighting may be given to these concerns within the planning officer report.

5.18 When we decide a planning application, it must judge the merits of the proposal against policies in the 'Development Plan'. It must also take into account relevant Supplementary Planning Documents and any other 'material considerations' (for example national policy or local housing delivery performance).

## HOW DO WE INVOLVE THE COMMUNITY ONCE AN APPLICATION GOES TO PLANNING COMMITTEE?

5.19 For those applications determined by the Planning Committee, we allow public speaking at the Committee meeting to give the public a fair hearing during the decision making process. Guidance on how members of the public can speak at Planning Committee is outlined in the 'Council's Protocol for Speaking at meetings of the Planning Committee' (a Speaker must provide five clear working days' notice before the planning committee meeting of their intention to speak at the meeting). A member of the public or representative will be allowed to speak where he/she has made a written representation on the application.

5.20 Members of the public or their representatives are allowed no more than 5 minutes to speak. Where a petition is received, only the lead petitioner will be allowed to speak on behalf of those objectors who have signed the petition.

5.21 Where a third party speaks, the applicant or representative will be given the opportunity to respond verbally, (no more than 5 minutes) to any comments made during the meeting. An applicant or their representative wishing to speak must provide five clear working days' notice before the planning committee meeting of their intention speak at the meeting.

5.22 Where there is no objector wishing to speak, the applicant or representative will also be permitted to speak in response to the planning officer's report only where an application has been recommended for refusal of planning permission (and where they have given five days notice, prior

to the Planning Committee meeting, of their intention). The applicant or their representative will be allowed no more than 5 minutes to speak.

5.23 Planning Committee Agendas are published on our website, five days prior to Committee Meetings, followed by the publication of minutes – [www.southtyneside.info/environment/planning](http://www.southtyneside.info/environment/planning).

5.24 As part of our commitment to an open and transparent planning process, there is a Protocol 'Code of Conduct for Members and Officers dealing with Planning Matters' ensuring that decisions are justified on a sound planning basis.

## THE DECISION STAGE

5.25 Decisions on applications and recommendations to grant planning permission subject to the completion of legal agreement are made public on the council's website.

## PLANNING APPLICATION APPEALS

5.26 Planning appeals are determined by central government (i.e. The Planning Inspectorate, or the Secretary of State). Depending upon the type of development and decision made by the council there are different routes to have an appeal determined by central government i.e. written representations, public hearing or public inquiry. For each appeal the council will provide the government with access to all of the documents that it considered as part of its decision making process for the application. The level of publicity that is required to be undertaken as part of the appeal process is set out by the government and we will adhere to these statutory requirements. This will ensure that residents and consultees comments are carefully considered by the government in the determination of planning appeals.

5.27 Appeal decisions made by the Planning Inspectorate of central government are reported to Planning Committee and they are published on our Website:  
[www.southtyneside.info/environment/planning](http://www.southtyneside.info/environment/planning).