

Statement of Community Involvement

June 2018

Altogether better



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The purpose of this document

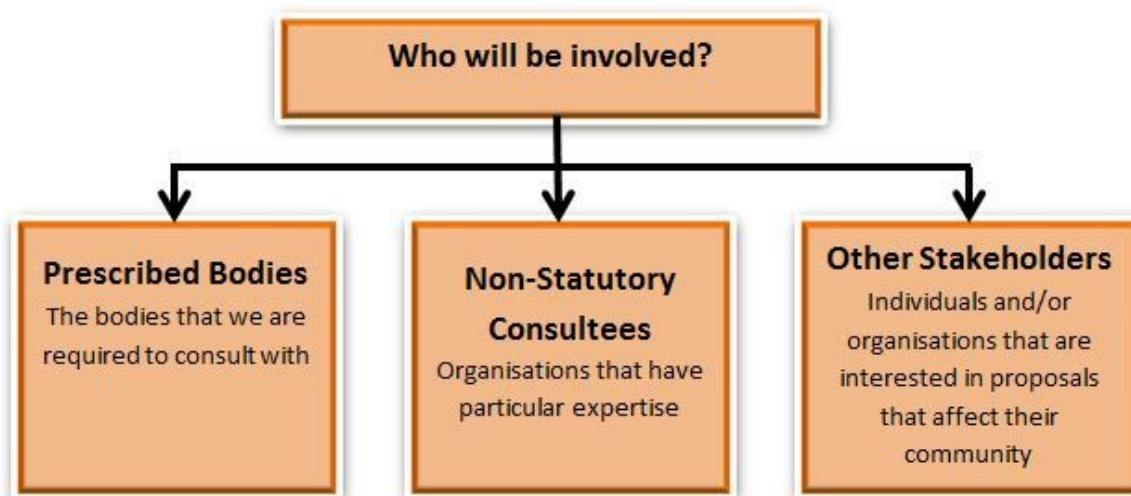
Background

1.1 We are committed to involving as many people and organisations as possible in the planning process, including those who are traditionally under-represented. This document is our Statement of Community Involvement (SCI). It sets out how and when we will provide opportunities for you to contribute in the planning process, including local plan preparation, neighbourhood planning activity as well as the consideration of specific proposals subject to planning applications and Permissions In Principle. It also sets out how we will support groups undertaking neighbourhood planning activity as well as giving advice on how neighbourhood planning groups should seek to continuously involve local people and groups in this activity.

Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement, which explains how they will engage local communities and other interested parties in producing their local plan and determining planning applications. This document reflects the current regulations in force at the time that it was written. We will keep this document under review.

1.2 We will strive to provide opportunities and make it as simple as possible for all individuals to become involved, regardless of their circumstances. By involving communities from the start they can help to make a difference and, crucially, feel a sense of understanding and ownership of local planning decisions.

Figure 1 Who will be involved?



1.3 Figure 1 above identifies the main groups who will be involved ⁽ⁱ⁾.

i Including Town and Parish Councils and Neighbourhood Forums for the purposes of planning applications.

Our commitment to ensure meaningful consultation

We will endeavour to:

- make our consultation documents and any relevant supporting information available through a number of methods:
 - Electronically on the main County Durham Plan webpage on the Council's website: www.durham.gov.uk/cdp
 - Hard copy documents and response forms will be available at our Customer Access Points, main council offices, local libraries and mobile libraries;
 - Offer advice and assistance over the telephone, by e-mail or by FREEPOST, the contact details for which can be found at the back of this document;
- Upon request, make in a timely manner the information available in Braille, large print, translated into another language, or audio versions;
- Inform communities and other interested third parties about emerging policies and specific development proposals in good time;
- Enable communities to put forward ideas and suggestions and participate in developing proposals and options and informing the statutory decision making process;
- Ensure that as wide and relevant an audience as possible is consulted;

- Consider comments thoroughly and provide timely feedback in a balanced and open manner; and
- Support Town and Parish Councils and Neighbourhood Forums in involving local people and community groups in the preparation of Neighbourhood Plans.

1.4 Government guidance and planning regulations provide advice on who we have to consult as a minimum in preparing the local plan for the area known as the County Durham Plan and in considering applications for planning permission and Permission In Principle . Whilst we aim to involve as many people as possible according to the matter in question, we will specifically engage with the following groups on planning matters:

1.5 This Statement of Community Involvement has also been the subject of an Equality Impact Assessment. In undertaking our statutory duties, we will also ensure that we meet the requirements of the Equality Act 2010. We will promote equality and diversity, and not unfairly discriminate against anyone who wishes to participate in the planning system.

Independent support available

1.6 Contact details are provided at the end of this document should you need further information from us about the planning process. You can also gain further information about how the planning system works in a clear and concise way may be obtained through the Planning Portal at <http://www.planningportal.gov.uk>.

1.7 Independent advice can also be sought from Planning Aid which is a voluntary service offering free, professional planning advice to community groups and individuals who cannot afford to employ a planning consultant. It aims to give people the confidence to deal with the planning system and to become involved in wider planning issues. Planning Aid is not part of the council, it is a separate service that complements the advice given by local planning authorities. Contact details are as follows:

Planning Aid:

<http://www.rtpi.org.uk/planning-aid/>

Tel: 020 7929 9494

Email: advice@planningaid.rtpi.org.uk

Specific advice regarding neighbourhood planning can be found at:

<https://neighbourhoodplanning.org/>

This section of the document has outlined the general principles which we will work to in any engagement activity we undertake. The remainder of this document sets out how we will facilitate meaningful engagement on specific aspects of the planning process.

2.1 Local Plan guides new employment, housing and retail development across the county and once adopted provides local policies against which planning applications will be determined. We are currently preparing a new local plan called the County Durham Plan.

2.2 Whilst you can submit views to us at any time in respect to local plan matters there will be specific points in the plan making process where we will seek your views on the emerging County Durham Plan and any subsequent revisions to it.

2.3 The timetable for producing The County Durham Plan and these periods of community engagement are set out within a document called the Local Development Scheme⁽ⁱⁱ⁾. Key dates for the preparation of the County Durham Plan are provided below.

Table 1 Key Dates for the County Durham Plan

Stage	Date
Cabinet agree Preferred Options	Summer 2018
Consultation	Summer / Autumn 2018
Cabinet agree Pre-submission Draft	Winter 2018
Consultation	Winter / Spring 2018
Full Council agree Submission	Summer 2019
Submission	Summer 2019
Examination in Public (Strategic issues)	Autumn 2019
Examination in Public (Site Allocations)	Spring 2020
Adoption	Summer 2020

Target Groups

2.4 In terms of local plan making activity we will target a wide variety of groups during consultations. Key groups include:

- Local communities;
- Area Action Partnerships;
- Known community organisations;
- Residents' associations;
- Town and Parish Councils;
- Neighbourhood Forums;
- Businesses including organisations such as the North East Chamber of Commerce;
- Developers/agents/landowners;
- Specific bodies that government requires us to engage with;
- Central and local government, including neighbouring authorities; and
- Other non-statutory bodies who may have an interest in the area

2.5 We will endeavour to engage 'hard to reach' or 'easy to overlook' groups in planning issues and will continue to review our consultation techniques to ensure the most effective means are used to seek views to help access these groups in particular.

ii The County Durham Local Development Scheme can be downloaded here:
<https://www.durham.gov.uk/media/22975/County-Durham-LDS-2017/pdf/CountyDurhamLDS2017.pdf>

Access to Information

Anyone wishing to be notified directly of consultation documents can be included on our consultation database at any time. Automatic emails or letters will be sent providing details of the consultation document, where to find further information and how to comment.

If you wish to be added or removed or have your existing details updated then please write to **FREEPOST Spatial Policy**, email spatialpolicy@durham.gov.uk or call us on **03000 261908**.

- A platform on which organisations can respond to issues known to be of community concern;
- A way for organisations to invite stakeholders to comment on the specific proposals and a means of receiving feedback; and
- An interactive medium allowing discussion, debate and reaching a wider audience.

Therefore the most common form of consultation will be through interactive documents. We believe that the internet provides quick and efficient opportunities for interested individuals and parties to engage in the planning process. In order to improve how we involve you we will undertake web-based consultation on all emerging documents using our website consultation pages. Whilst names are published, to protect your privacy, all other personal information you provide when registering will not be open to public view.

Engagement methods to be used during each stage of the production of the local plan

2.6 We recognise that there will be varying degrees to which you will wish to become involved in the preparation Local Plan. We also appreciate there are differing needs depending upon knowledge and experience of the planning system. We are also aware that people need to access information in different ways and at different times. Therefore a targeted and, at the same time, flexible approach to engagement is required. We have therefore identified a variety of methods which seek to address these varying requirements to maximise opportunities for your involvement in the plan making process. The types of methods that will be used either individually or in combination are:

Internet-based consultation and the use of social media

2.7 The internet offers the following potential benefits:

- Timely, accurate information on site plans, opportunities, constraints, commissioned studies;

2.8 Social media can be an effective way to spread news-stories to a wide audience. We will use a range of social media techniques to raise the awareness of consultation events and document available through the use of Facebook, Twitter, Instagram and You Tube.

Press and public relations

2.9 Newspaper articles are one of the most effective ways of spreading planning and development ideas to large numbers of people and generating public debate. We will inform the community of key consultation dates and updates on progress during the production of the Local Plan by releasing appropriate and timely press releases and where required public notices.

2.10 Our free publication 'Durham County News' that is sent to every household in the County may be used to disseminate

information about the Local Plan preparation process, emerging issues and consultation events where timeframes align.

Availability of reference copies of documents

2.11 Local Plan consultation documents will be made available for inspection at County Hall Durham, our Customer Access Points and Council run local and mobile libraries during the set consultation period. The documents will provide details of how and when you can make representations. Our Customer Access Points are:

- Barnard Castle Customer Access Point;
- Chester-le-Street Customer Access Point;
- Consett Customer Access Point;
- Crook Customer Access Point;
- Durham City Customer Access Point;
- Seaham Customer Access Point;
- Spennymoor Customer Access Point;
- Stanley Customer Access Point;and
- Within Library, Bishop Auckland.

A number of customer surgeries are also in operation.

2.12 Up to date information regarding location and opening hours of all of these can be found on our website⁽ⁱⁱⁱ⁾.

Public exhibitions

2.13 As part of the formal consultation exercises associated with the preparation of the Local Plan we will hold staffed and un-staffed exhibitions at accessible venues throughout the County. We will endeavour to send posters and other material to the

venues in advance of the exhibitions to ensure this is advertised as widely and for as long as possible as well as publicizing them on our web site and in the local press.

Public meetings

2.14 Although public meetings can help deliver immediate discussion and feedback, some people find them intimidating and are reluctant to participate. Therefore public meetings will only be used in conjunction with other techniques where considered appropriate. We will seek to ensure that venues chosen for events are accessible and ensure that events are held at times which maximise the ability for people to find out the information they need, ask questions and provide comments.

2.15 We will promote all public meetings and exhibition events via our website and social media as well as promoting them with press releases. We will also seek to use other networks such as the Area Action Partnerships and their methods of communication.

Formal and informal meetings with existing networks

2.16 There are a range of existing meetings and forums, which can be tapped into, including the County Durham Partnership thematic groups and the voluntary sector. There are a number of networks covering particular sections of the community which can be used to engage those groups with protected characteristics.

2.17 We pride ourselves on our partnership working and are often involved in regular meetings with adjacent councils and any relevant Combined Authority through the Duty to Cooperate, along with Business Forums, County Durham Partnership, other interested parties including town and parish councils and neighbourhood forums. We will work also continue to engage with the Area Action Partnerships that are already established in

iii Information on our customer access points can be found here:
<http://www.durham.gov.uk/article/1909/Customer-Access-Points>

the county to widen community involvement in the plan-making process. These forums will be used as a channel to inform the local community of the stage reached, to provide opportunities for their input and participation and to explain key issues affecting local areas. We also seek to use their existing networks to inform their community and stakeholder groups and as a means to inform policy formulation. This will include any existing press methods such as newsletters and social media opportunities. We will endeavour to provide updates on the local plan at appropriate stages.

How to make your views known

2.18 We are happy to receive your views - either by letter or email - at any stage of preparation of the local plan. However, during specific consultation periods we encourage you to send us your views and ideas online, via our interactive website, using our consultation web pages^(iv) (also available at www.durham.gov.uk/cdp). We believe this method will save you time and it will allow us to process and consider your comments more quickly.

2.19 Following consultation, your comments will be processed and added to our interactive website where you will be able to see your comments as well as what other people have said. Whilst names are published (unless opted otherwise), to protect your privacy, all other personal information you provide when registering will not be open to public view.

Providing feedback

2.20 Upon receipt of a representation there are certain tasks that we need to undertake in order to process it. Once processed, representations will be made available on the consultation web pages. The timescales for completing this will vary according to a number of factors including the level of responses received and number submitted directly through our consultation portal. After the end of each consultation period we will process all of the representations we have

received and ensure that the views of respondents are fully considered before any decision is taken.

2.21 Depending upon the nature and significance of representations we will sometimes need to arrange for further dialogue to ensure we have fully captured the relevant issues.

2.22 In order to ensure transparency, a 'Statement of Consultation' will be prepared setting out the key matters raised through the consultation and our response to these. This will be available at each formal decision stage to allow members to make an informed decision.

iv Our consultation webpages can be accessed here: <http://durhamcc-consult.limehouse.co.uk/portal/planning/>

What is neighbourhood planning?

3.1 The Localism Act has introduced three types of neighbourhood planning activity which supplement the local plan, the preparation of:

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

3.2 This is a relatively recent power from central government which gives communities the opportunity to plan for their local area and define how their neighbourhood should grow and change in the future by setting out proposals such as:

- Developing a shared vision for your neighbourhood;
- Choosing where new homes, shops, offices, and other development should be built;
- Identifying and protecting local green spaces; and
- Having a say on what new buildings should look like.

3.3 Further information on the neighbourhood planning process can be found on the council's website^(v).

3.4 To support this activity the government has published specific regulations which set out how neighbourhood planning should be undertaken, including consultation requirements. Although this is an activity to be led by the local community, the council, in its role as local planning authority, has a statutory duty to support and enable the process from the outset. The ways in which we will interact with neighbourhood planning groups, from the outset when they are

considering whether neighbourhood planning is something which they wish to pursue, is set out in Appendix A.

The approach to community engagement in neighbourhood planning matters

3.5 It is vital that meaningful community engagement is incorporated into the neighbourhood planning process by both ourselves and the neighbourhood planning group. It is necessary and important for several reasons:

- It is a statutory requirement of the Localism Act 2011;
- Early engagement is essential for developing political consensus and avoiding misconceptions;
- It is part of developing the evidence base (front loading);
- It helps achieve better informed outcomes (a community knows its own area/locality);
- It leads to more realistic and deliverable plans/policies;
- Public confidence and support need to be maintained;
- It helps to avoid conflict, delay and cost at later stages;
- It reduces the possibility of a 'no' vote in the local referendum if people are aware of the plan and have had the opportunity to participate in its production; and
- It fills any democratic deficit (there is a need to involve people at a more detailed level beyond the election cycle every four years).

^v Information on neighbourhood planning can be found here:
<http://www.durham.gov.uk/article/17018/What-is-neighbourhood-planning>

How neighbourhood planning groups can meet their community engagement obligations

3.6 The development of a communications plan is critical to securing successful neighbourhood planning outcomes and this should be established from the outset and reviewed and refined throughout the process. We would therefore encourage groups to enter into early dialogue with us to discuss the most appropriate way of doing this. The following points are aimed at helping groups secure effective engagement through this communications plan:

- **Raising publicity and awareness:** It is important to publicise the proposal to undertake neighbourhood planning as widely as possible using different media appropriate to the population from the beginning of the process. Updates on progression and opportunities for third parties to provide their views should be given.
- **Using local partnerships:** There are a range of local interest groups and networks which already exist. These along with other key partners and stakeholders should be identified and contacted. These can provide easier access and support in involving groups with protected characteristics, different communities, residents, the business community, hard-to-engage communities.
- **Front loading:** Community engagement should be undertaken before work commences (this is called front-loading). The purpose of the first stages of community engagement is to help define issues and aims of the neighbourhood planning activity. Early and later stages of community engagement/involvement will also inform policies and proposals.
- **Capacity building:** It will often be useful undertake a skills audit and where appropriate recruit individuals to fill any knowledge gaps as well as building on people's existing knowledge and understanding so that those participating in community engagement events are well informed about the plan and the issues it is dealing with.
- **Seeking specialist advice and enabling:** It may be necessary for those leading and participating in the neighbourhood planning process to recognise the need to bring in specialist advice and support from us or consultancy support where resources permit.
- **Building in Creativity:** Community engagement needs to engage people - it should be stimulating and enjoyable. Non traditional methods of engagement and the role of arts and culture in facilitating engagement should be explored.
- **Managing expectations:** It is necessary to explain the scope and limitations of the planning system and neighbourhood planning.
- **Targeting:** Whilst some people will naturally want to get involved in neighbourhood planning, with other sectors of the community targeting will be necessary. This might include the elderly, young people and other hard-to-engage groups. This may require bespoke events and more face to face engagement.
- **Ensuring accessibility:** Careful thought needs to be given to make events accessible, including location, timing, media, format, to cater for differing requirements of different sectors of the community. Events should be informal and not intimidating.

3.7 Where intensive community engagement has recently been undertaken the material obtained will be useful in informing the neighbourhood plan and form a basis to build upon.

3.8 There are a number of 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 we also have a statutory role in this process at particular stages. The means by which these obligations need to be met by both ourselves and neighbourhood planning groups are set out below.

When defining a neighbourhood area and if necessary a neighbourhood forum

3.9 A town or parish council is the only body who can undertake neighbourhood planning without our prior consent to establish this role. In the case of a non-parished area this activity can only be undertaken by a specially designated neighbourhood forum. There is a formal application process to follow to achieve this status from us.

3.10 From the outset the neighbourhood planning group should seek the views of the local community in terms of the geographic extent of the proposed neighbourhood area and the issues that it should seek to address through neighbourhood planning activity.

3.11 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. It will also ensure that community buy-in is established at an early stage. This is important particularly given the proposal will eventually be subject to a local referendum. Within County Durham there are already good practice examples of where local residents often with no previous planning experience are supporting local councils by joining their neighbourhood planning working groups.

3.12 Regardless of who will be undertaking the neighbourhood planning activity a formal application will also need to be made to us to agree the geographic extent of the area within which this activity is to be undertaken. This is known as a neighbourhood area. The application processes for designating a neighbourhood forum and an area are very similar and are often done in tandem, so the approach described below applies to both, with the slight variations highlighted:

- Upon submission of a formal application we will need to consider whether the proposal is made in accordance with the regulations. If we consider this not to be the case we 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 we must publicise the application for 6 weeks (or in cases where the area corresponds to the relevant parish area, 4 weeks) on our website. We will liaise with the group to identify other opportunities such as the use of a news letter. We will inform the relevant adjacent town and parish councils and neighbourhood forums, council portfolio holders and the local members. We will also display the details in the closest Council office, library or other suitable premises.
- When the consultation is completed the responses will be assessed to see if the proposal should be permitted. In the case of an application relating to an area which does not follow a parish boundary or that is submitted by a prospective neighbourhood forum if there are valid reasons for declining the application they 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 we will proceed to formally designate the neighbourhood area or the

neighbourhood forum. we will issue a letter to the applicants informing them of the outcome of their application(s).

During preparation of a neighbourhood plan, neighbourhood development order or community right to build order

3.13 Throughout the whole preparation process the group should endeavour to facilitate meaningful community engagement with ourselves as well as engagement with relevant statutory bodies. The minimum level of support which a group can expect to receive from us is set out in Appendix 1. The process for undertaking the types of neighbourhood planning activity is similar in terms of community engagement and therefore the following guidance is applicable to each, with variations highlighted as necessary.

3.14 Once a neighbourhood area and group are confirmed there are a number of consultation stages that must be carried out by the group and/ or ourselves in order that the proposed neighbourhood planning activity is undertaken in accordance with the relevant regulations, namely;

- During the preparation of the initial draft plan;
- Upon completion of the initial draft plan (known as pre-submission stage);
- Upon formal submission of the final plan to us (known as submission stage);
- Upon appointing the independent examiner;
- Upon consideration of the examiners report;
- Upon organising and undertaking a local referendum; and
- Upon adopting the proposed plan or order.

During the preparation of the initial draft plan

3.15 As well as the early engagement 'front loading' activity discussed in the previous section, a separate more targeted consultation will also 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)

3.16 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. We will however support such groups by advising on their proposed engagement strategy as well as hosting the consultation documents on our website and within our local access points. The group will however manage this consultation, collate and consider the responses received.

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

3.17 Once the neighbourhood planning group has considered the outcomes of their pre submission consultation 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.

3.18 In accordance with the regulations, when receiving a proposal from a group at the Submission stage we will publicise the submission proposal for six weeks. To achieve this, we will:

- Place links to the plan and supporting document on our website;
- Publish a press release;
- Place copies in the nearest local council office or library or other suitable location;
- Liaise with the group to have a notice published in the local parish/town council newsletter (if this is not possible we will publish a notice in the local free press or may carry out a mailshot);
- Notify the relevant consultation bodies as set out in the regulations; and
- As the proposal will have already been through a consultation led by the neighbourhood planning group we will also consult those who have already made comments to the group as well as informing the elected members.

3.19 The consultation on the 'submission' proposal allows interested parties to make representations. In the case of a Community Right to Build Order, we will also notify by letter those whose property abuts the area covered by the proposed order and provide details of how representations can be made.

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

Upon appointing the independent examiner

3.21 Once the consultation of the submission proposal is completed, the proposal will be the subject of an examination by an independent examiner and it is our 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. We will usually appoint through the nationally

established Neighbourhood Planning Independent Examiner Referral Service (NPIERS) process. We will arrange this in liaison with the neighbourhood planning group. The process can start during the submission consultation period referred to above to ensure a speedy process.

Upon consideration of the examiners report

3.22 The report on the proposal will follow on from the examination. In the case of neighbourhood plans it will contain one of three recommendations: proceed to referendum, proceed to referendum subject to certain amendments, or not proceed. It is for us to assess the report and decide whether the recommendations should be followed. In the case of an neighbourhood development order or a Community Right to Build Order we have to decide whether to accept the recommendations in the examiner's report.

3.23 Assessments will be made in consultation with the relevant portfolio holders and also local members. We will then publish on our web site a 'decision statement', including its reasons for the decision, and 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.

Upon organising and undertaking a local referendum

3.24 Once the examination report and the decision statement by the council have been completed and publicised, in cases where the proposed content is acceptable, a referendum will be publicised according to current electoral rules and will be carried out with the local community so that they can decide whether or not the proposal should be accepted.

Upon adopting the proposed plan or order.

3.25 If there is a majority in favour of the proposal through the referendum it can be adopted by the council once agreement by full council is secured. Once the proposal has been adopted the council will publicise this decision both on the web site and in the local press as well as notifying interested parties.

3.26 Should you have any further queries about neighbourhood planning please contact us by using the contact details provided on the reverse of this document.

4.1 Development management is the process by which the council determines whether a proposal for development should be granted planning permission, taking into account the development plan and any other material considerations, such as the effect it may have on neighbouring properties. Planning applications can be determined by two mechanisms:

- Determination by council members on the planning committee; and
- Determination by development management officers - these applications are not referred to planning committee.

4.2 The development management approach adopted by the Planning Development Management Service seeks to ensure that the views of communities who have an interest in planning matters are fully considered before a decision is taken by the council.

4.3 Planning applications that are determined by Officers are covered by the Scheme of Delegation that is included in the council's Constitution. This can be found on the council's web page^(vi).

4.4 Where planning applications are determined by planning committee, there are four separate committees that make

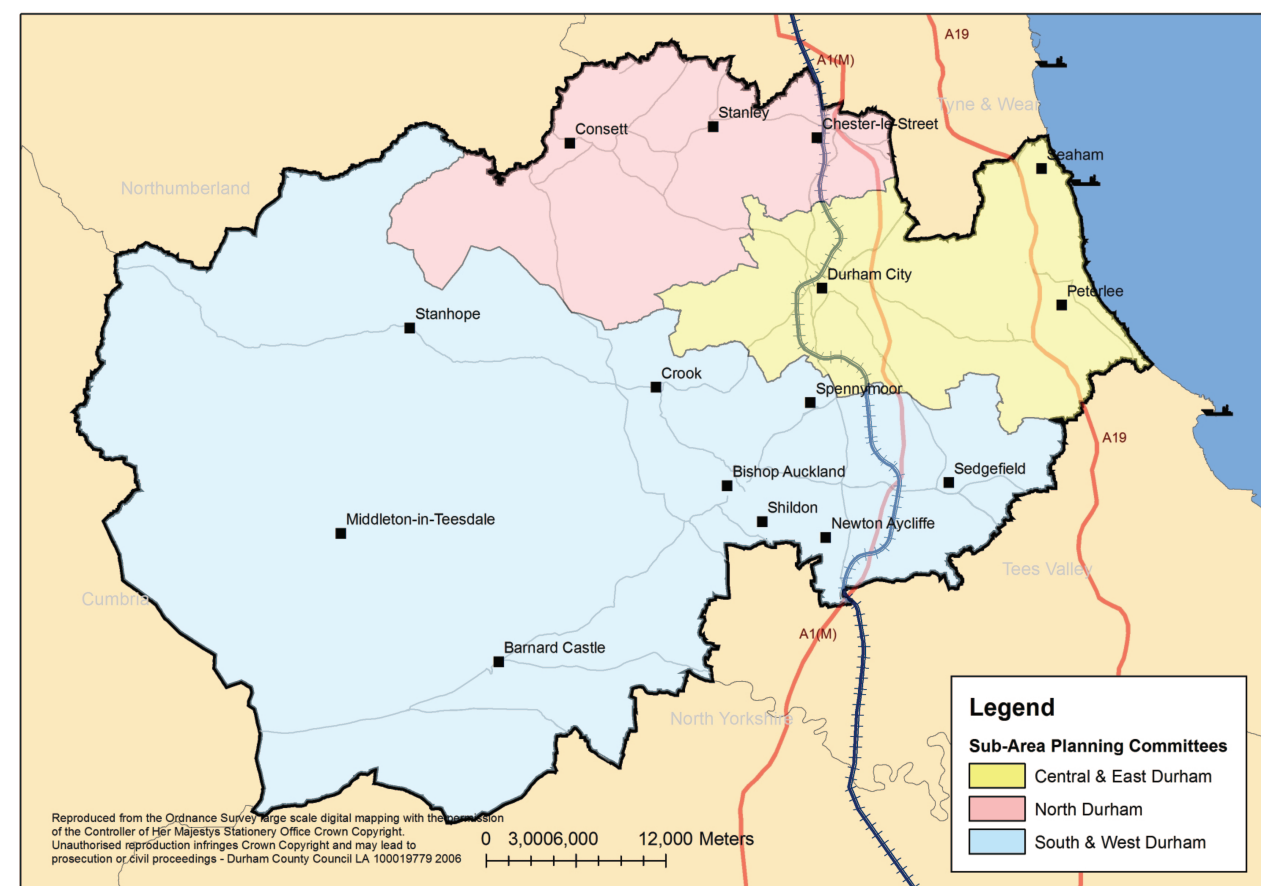
decisions. There are three area committees and one county committee that determines major and strategic planning applications. Map 1 over leaf shows the administrative areas for the three area planning committees.

4.5 The Planning Development Management Service is committed to both informing and engaging with the wider community and individuals in relation to planning proposals. However, there needs to be a balance between making decisions in a timely and cost-effective way and providing the community with a reasonable opportunity to comment. Consultation involves not only the public but also statutory and non-statutory consultees. The breadth of consultees will vary with the nature of the proposal and location so not all bodies are consulted on every application.

4.6 Statutory consultees generally have 21 days in which to respond to a consultation and we will endeavour to ensure that responses are provided within the designated time period in order to avoid unnecessary delays to the processing of planning applications. As a result of the responses to these consultations, the case officer may have to contact the applicant to request more information or to seek amendments. If significant amendments are made to proposals a further period of consultation may be carried out.

vi The council's Constitution can be downloaded from this webpage: <http://www.durham.gov.uk/constitution>

Map 1 Planning Committee Areas in County Durham



Approach to pre-application discussions

4.7 The Planning Development Management Service is committed to delivering a pragmatic, timely and high quality pre-application service to all customers:

- To provide a timely and consistent level of service, which ensures that the advice offered at the pre-application stage is provided within a reasonable length of time and which is of sufficient quality to ensure that it is honoured as and when customers make a planning application which follows the advice which has been provided.
- To ensure that in those cases where the advice is to support a proposal in principle, to provide comprehensive advice as to what will be required from a customer to ensure that a planning application is determined favourably, in the shortest timeframe possible.
- To ensure that in those cases where the advice is to resist a proposal in principle, to provide a clear explanation why this is the case, and what a customer may be able to do to challenge this view.
- To adopt a pro-active and problem solving approach, to ensure that with the exception of those proposals which are considered to be unacceptable in principle, that officers seek to work in partnership with customers to ensure that any areas of concern can be addressed to deliver a favourable recommendation at the planning application stage.
- To provide a structured route to opening effective and ongoing dialogue between a customer and the service.
- To ensure that the service receives an income receipt from the provision of pre-application advice, appropriate to the complexity of the project and the level of advice requested, to enable the service to be equipped to provide such advice

in an effective and timely manner in the future.

- To provide dissatisfied customers with a route to seek redress against pre-application advice which has clearly failed to meet acceptable standards.

4.8 Our preference is to provide pre-application advice in writing. There are many benefits to this, not least the fact that it provides both parties with a clear audit trail as to what advice was provided in relation to a particular project. However, this should not discourage open communication between customers and the service, whether this be in person or by telephone, ahead of a formal pre-application submission.

4.9 All pre-application enquiries should be submitted in writing, preferably electronically, and should contain the level of information required relevant to the level of advice sought. Advice for most forms of development proposals can be sought at one of two levels; either in outline or in full.

4.10 Further information on our pre-application advice service and anticipated timescales for responses can be found within the Pre-Application Advice Protocol. ^(vii)

4.11 In addition, for more strategic development projects, a bespoke pre-application service will be arranged, with the scope and timescales set out in an agreed planning performance agreement.

Involvement of the community when a planning application is first received

4.12 When an application is received, we aim to ensure the application is validated and all consultations are sent out within the first 5 days. This will include writing to the nearest neighbours to the proposal, and if considered necessary by posting a notice on site or publishing one in the local press. A period of 21 days is normally provided for responses

to be made. Where appropriate, example owing to the Festive period, longer than 21 days will be provided for responses.

4.13 The planning application portal on the council's website, provides the public with a facility called the 'weekly list'. Members of the public can register on the portal and can then use the facility to generate automatic notifications of:

- Planning applications validated within their Parish / Ward area; and
- Planning applications decided within their Parish / Ward area.

We are happy to be contacted to support in the registration for the weekly list.

Telephone: 03000 262830

Email: planning@durham.gov.uk

Involvement of the community during the processing of a planning application

4.14 We are committed to carefully considering comments received in response to consultations carried out on applications. Officers will consider the need for potential amendments to schemes where they have been suggested. If significant material changes are made to applications, a further period of consultation may be required.

4.15 For major or potentially controversial applications, officers will encourage the applicant to consider undertaking an appropriate level of public consultation including a public exhibition prior to the submission of an application to enable communities to better understand development proposals and how they may impact on them.

vii Pre-Application Advice Protocol can be found at <http://www.durham.gov.uk/media/3739/Pre-Application-Advice/pdf/PreApplicationAdvice.pdf>

Involvement of the community when an application goes to committee

4.16 A planning application may be decided either by the Head of Planning & Assets under delegated powers, or by a planning committee. In either case, the local planning authority takes into account representations received when making planning decisions. Representations received are outlined in planning reports and specifically addressed before decisions are made.

4.17 We will ensure that any comments received in response to consultation (on material planning grounds) are brought to the attention of members of the planning committee when they make a decision on the application. Officers will also ensure that such comments are appraised, members are signposted to the full representation and their relevance to the determination to be made brought to the attention of the committee.

4.18 We operate a speaking at committee procedure, further details of which can be found on our website. ^(viii)

Involvement of the community if an appeal is received on a planning application

4.19 In the event of an appeal being received, we will write to all individuals and organisations who were consulted, and who expressed an opinion, on the original application. With the exception of appeals which are heard through the householder fast track service, this notification will afford people the opportunity to make additional comments to the Planning Inspectorate directly.

4.20 For cases to be heard by way of hearing and public inquiry, we will also write to advise interested parties of the time and date of the Inquiry to invite them to come along to make their views known to the inspector. All comments received from the community in response to the consultation

carried out on the original application will also be sent to the Planning Inspectorate. This ensures that regardless of whether or not people chose to engage in the appeal process, their views will be made known and taken into account.

Approach to community involvement in planning obligations

4.21 In cases where a draft Section 106 Legal Agreement has been submitted as part of an application a copy is normally made available for inspection on the public register and on the council's website.

4.22 When negotiating with developers on major development proposals, we will consider whether the obligations are necessary in order to mitigate the impact of the development. We will also aim to ensure any community request for an obligation is considered against the relevant legislation as part of the overall consideration of a planning application. The issues to be addressed by an obligation will be considered in the report presented to planning committee. Similarly if we consider that an obligation is not justified, notwithstanding a community request for one to be entered into, the reasons for this view will be explained in the report.

Approach to community involvement on Planning Performance Agreements

4.23 Planning Performance Agreements (PPAs) are an agreement between a developer and the local planning authority setting out who will do what and by when.

4.24 A PPA will improve the speed and quality of the decision making process, deliver better outcomes and facilitate better engagement between parties. Some key benefits include:

- Establishing a better understanding of the project's needs, including management and resources;

viii Procedure Note for Speaking at Planning Committee

<http://www.durham.gov.uk/media/3789/Speaking-at-a-Committee-Meeting-guide.pdf> Procedure Note For Public Speaking At Planning Committee.pdf

- Setting a realistic timetable for decision making;
- Minimising the risks and costs of an appeal; and
- The identification of problems and a mechanism to seek resolutions.

4.25 Further information regarding PPAs can be sought from the council's website. ^(ix)

Permission In Principle

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

4.27 From June 1 2018 developers can also apply for permission in principle for small-scale residential development (i.e. sites with less than 10 houses, buildings with less than 1000 square metres of floor space or sites of less than 1 hectare). Though development involving an environmental impact assessment or habitats assessment cannot be considered through this route.

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

4.29 In summary, the main consultation requirements include:

4.30 Publicity by site notice and on the Council's website for not less than 21 days

4.31 Notify relevant bodies if certain conditions apply

- within 10m of railway land

- specific requests have been made by parish councils or neighbourhood forums
- at the discretion of the LPA any person, body or authority that the authority considers should be informed or fall into Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015⁽¹⁾)

4.32 Respondents have 21 days from the publication of the notice in which to make their comments.

Involvement of the community on enforcement issues

4.33 All enforcement complaints will be investigated by the council's Enforcement Team. All cases will be dealt with in confidence. Whilst no public consultation is undertaken on enforcement cases, complainants will be kept informed of the process and the outcome of the complaint.

Further information

4.34 We are happy to be contacted to discuss any aspect of community involvement during the consideration of planning applications or other types of application including advertisement control.

Telephone: 03000 262830

Email: planning@durham.gov.uk

The role of the developer in facilitating your involvement prior to submitting planning applications

4.35 We encourage the developers to engage with the local community in developing their proposals and ahead of submission of a planning application. It is now also a mandatory requirement for certain developments (set out under Section 122 of

ix Planning Performance Agreements
<http://www.durham.gov.uk/article/3556/Planning-Performance-Agreements>

the Localism Act) to undertake pre-application community consultation. Upon request we will discuss the need and scope of any required community engagement exercise with the prospective developer. This will ensure that the views of all stakeholders, including statutory organisations, town and parish councils, neighbourhood forums, Area Action Partnerships, residents associations and other local interested parties are sought at an early stage to ensure their views are known.

groups involved in the consultation process and advise all respondents where a copy of the consultation statement can be examined.

4.36 We may refuse to validate planning applications which are submitted without any mandatory pre-application consultation having been undertaken.

How should the results of community consultation be used?

4.37 In cases where mandatory consultation is required the planning application should be accompanied by a consultation statement setting out the community engagement undertaken and including:

- A description of the publicity, consultation and engagement methods used and the reasons for their use;
- A description of the proposals that were the subject of community consultation;
- An assessment of the inclusiveness of the approach;
- A summary of the comments received and issues raised;
- The developers' response to the issues raised and how they have been addressed, or alternatively reasons for not addressing them;
- A description of how the proposal has changed as a result of public consultation where applicable; and
- An appendix providing copies of all written comments.

4.38 It is also recommended that the developers forward a copy of the consultation statement to the main organisations and



Neighbourhood Planning – Memorandum of Understanding

Name of Qualifying Body

(i.e. Parish Council or Town Council or Neighbourhood Forum)

Purpose of Agreement

This is an agreement between Durham County Council (“the County Council”), and [the Parish Council or Town Council or Neighbourhood Forum](#) (i.e. “the Qualifying Body”).

To clarify the extent of the County Council’s role for those preparing neighbourhood planning documents (“the documents”), this Memorandum of Understanding represents an agreement between the County Council and the Qualifying Body. It is intended to formalise the County Council’s role in undertaking its statutory duties and provide clarity on the level and extent of the support that the County Council will provide.

For the avoidance of doubt, it is not intended that anything within this Memorandum of Understanding will cause one party to incur any liability (financial or otherwise) to the other party.

Neighbourhood Planning was introduced in the Localism Act of 2011 and comprises three different approaches:

- Neighbourhood Development Plans (or Neighbourhood Plans)
- Neighbourhood Development Orders (NDO)
- Community Right to Build Orders (CRBO)

The County Council has an important role as set out in legislation to support and advise Qualifying Bodies preparing the documents and to carry out various statutory procedures at key stages in the preparation of these documents.

The Qualifying Body preparing the document(s) for a particular neighbourhood area will be either [Parish or Town Council \(or the lead Local Council where there is more than One Council in the case of a Joint Neighbourhood Plan\)](#), in the case of unparished areas – [the Neighbourhood Forum](#).

The County Council is responsible for:

- fulfilling its statutory requirements; and,
- the provision of proportionate advice and assistance in respect to neighbourhood planning matters.

The statutory obligations of the County Council

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

- **For Neighbourhood Area (and Neighbourhood Forum) Designations:** In accordance with the timescales as required by the Regulations* after receiving the Neighbourhood Area application, determine its acceptability, publicise and consult (when required) and where appropriate formally Designate the Neighbourhood Area and publicise it on the DCC website.
- **At Pre-Submission Plan stage:** Whilst the Qualifying Body will carry out the pre-submission consultation and publicity. The County Council will support as necessary including checking the conformity of the draft plan with the NPPF/existing and emerging local plan.
- **At Submission Plan stage:** When the Qualifying Body submits the draft plan and other relevant documentation to the County Council the County Council will publicise the submitted Neighbourhood Plan and other relevant documentation.
- **Preparing for Examination:** The County Council will identify up to three potential Independent Examiners and appoint one of these in agreement with the Qualifying Body. The County Council will undertake final checks for legal compliance, followed by submission of the draft Neighbourhood Plan and Supporting Documents (including any representations made in accordance with Regulation 16*) to examination which will be funded by the County Council.
- **Once Examiner's Report is received:** The County Council will consider the recommendations of the Examiner's Report, check that the draft Neighbourhood Plan meets the Basic Conditions and arrange the publication of the Decision Statement. (NB: In cases when there are issues with the Examiner's Report that prevent or delay a referendum the County Council will discuss and agree timescales for taking the plan forward with the Qualifying Body).
- **At Referendum stage:** To be arranged and funded by the County Council in accordance with The Neighbourhood Planning (Referendums) Regulations 2012.
- **For the 'Making' (i.e. Adoption) of the Plan/Order** (Regulation 18a & 19*): As soon as possible after a positive referendum result in favour of the neighbourhood plan.
- **Publicising a neighbourhood plan:** Durham County Council will publicise the 'making' of the neighbourhood plan. * Regulation Numbers relate to those in The Neighbourhood Planning (General) Regulations 2012.

Support and Advice - Durham County Council's role

In addition to carrying out the duties set out above in relation to the formal process the County Council in its role to support and advise, will provide:

A named Contact Officer

In this instance the named officer is:

Contact Officer: [Name](#)

Telephone Number: [03000 XXXXXX](#)

E-mail: name@durham.gov.uk

- who is the first point of contact for support and advice.

Durham County Council Spatial Policy Team will coordinate the involvement of other parts of Durham County Council as and when required, including involvement of Durham County Council Electoral Services at referendum stage.

Provision of technical information and specialist advice:

The preparation of neighbourhood planning documents will require the group preparing the document to access various source of information and deal with, in some cases, complex matters. To help with this requirement, the County Council (through the contact officer) will provide support and advice from appropriate sources or direct groups to sources as listed below:

- Provision of links to the evidence used by the County Council in preparing the County Durham Plan.
- Provision of population and other statistical information, but only where it is available.
- Provision of Base Maps (subject mapping contractor licence) which can be used by the Qualifying Body in preparing plans and advice on copyright issues with the Ordnance Survey.
- Advising on consultation methods and questionnaire format.
- Provision of advice on regulations and legislation (including EU regs.).
- Advising on compliance with the Equality Act 2010.
- Either provision or checking of a screening opinion document along with its statutory consultation in relation to possible requirements for Strategic Environmental Assessment and Appropriate Assessment at the earliest opportunity.
- Commenting on emerging drafts of the Neighbourhood Plan and other relevant documents including advising on the conformity of the documents with national and local plan policy.

- Offering and undertaking a 'Health Check' on a full draft plan prior to the Qualifying Body consulting at Regulation 14 stage and prior to plan submission.
- Advising on the suitability of the Consultation Statement.

Areas of work that the County Council will not support

The County Council is committed to carrying out its role in line with national guidelines but there are certain matters for the group to address themselves and which the County Council will not support, namely:

- Carrying out primary research or surveys (although the County Council can assist in preparation of briefs for such work).
- Writing the document(s), though we can give guidance on generic policy writing.
- Undertaking the Strategic Environmental Assessment or Appropriate Assessment if determined necessary by the Screening Opinion without prior agreement. This is a chargeable service and is dependent on available officer capacity. However, we will freely advise on how to undertake any necessary assessments and whether they are fit for purpose. The level of support given in this regard will be pre-agreed with the Neighbourhood Planning group on a case by case basis.
- Attending every meeting and consultation event (although officers will attend appropriate meetings)
- Direct financial support other than for examination and referendum.

Obligations of the Memorandum of Understanding on the Qualifying Body

In order for the County Council to provide effective support (and manage its workload), the Qualifying Body will be expected to provide the following once the Neighbourhood Area (and where necessary Neighbourhood Forum) has been approved by the County Council:

- Establish an appropriate steering group (if the project is not to be managed directly by the local parish/town council or neighbourhood forum) with a clear reporting link to the local parish/town council or neighbourhood forum via Terms of Reference
- Set up an initial meeting of the (local council or neighbourhood forum or steering group) and invite the Contact Officer
- Prepare and keep under review a project plan for the preparation of the neighbourhood planning document, including: a timetable; provision for updates on progress; and appropriate discussions with Contact Officer
- Provide the County Council with the emerging and final documents in electronic format
- Share results of surveys which would help the County Council in its work (NB: this does not include providing personal details of respondents to such surveys)

Funding

The Government provides some financial assistance to planning authorities to enable them to fulfil their statutory neighbourhood planning duties including holding the examination and arranging the local referendum. Most of this funding is released at the end of the process after the County Council has incurred the costs of the Neighbourhood Plan examination.

There is no obligation on the County Council to offer financial support for Neighbourhood Planning and we regret that we are unable to do so.

However, the Government also provides some financial support for communities who choose to prepare Neighbourhood Plans in the form of grants (and in some instances technical support). Information on how Qualifying Bodies can apply is available at:

<https://mycommunity.org.uk/funding-options/neighbourhood-planning/>

The Memorandum of Agreement

This is an agreement between Durham County Council, and

Name of Qualifying Body

- by which each party agrees to abide by the requirements set out in this Memorandum of Understanding during the delivery of the XXXXX Neighbourhood Plan

Signatories:

.....

Dated*

Name of Qualifying Body (*This is the date upon which the agreement will commence)

.....

Dated*

Head of Planning & Assets (Durham County Council)

Links to Useful Information

The following links provide various forms of information and advice on Neighbourhood Planning.

My Community:

<https://mycommunity.org.uk/take-action/neighbourhood-planning/>

Planning Aid:

<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/what-is-neighbourhood-planning/>

Durham County Council Website:

<http://www.durham.gov.uk/article/3284/Shaping-your-neighbourhood-Neighbourhood-Development-Plans-and-Orders>

County Durham Association of Local Councils (CDALC):

<http://www.cdalc.info/>

For any queries in respect to Local or Neighbourhood Planning:

Address: FREEPOST SPATIAL POLICY

or

**Spatial Policy Team
Durham County Council
County Hall
Durham
DH1 5UQ**

Telephone: 03000 261 000

Email: spatialpolicy@durham.gov.uk

Website: www.durham.gov.uk

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