

# Middlesbrough Council Statement of Community Involvement

SEPTEMBER 2022



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

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# 1. INTRODUCTION

## 1. INTRODUCTION

### WHAT IS A STATEMENT OF COMMUNITY INVOLVEMENT?

- 1.1 All local planning authorities are required to produce a Statement of Community Involvement (SCI). SCIs set down the degree of involvement that the community and other stakeholders can expect when decisions on development proposals and future planning strategy are made. In making these decisions, the Council does so in accordance with national legislation and its own local planning policies.
- 1.2 Consultation is an integral part of involving the local community in the planning process. Since the adoption of the first SCI in 2005, there have been regular reviews to take account of new legislation and different ways of engaging with the public. This review of the SCI takes account of recent changes in planning legislation and the National Planning Policy Framework (NPPF).
- 1.3 There is also now a requirement for local planning authorities to review their SCIs every five years.
- 1.4 This document explains:
- *how we will consult on planning documents and planning applications;*
  - *how local communities, groups, and other bodies can be involved in the planning process in a timely and accessible manner;*
  - *how we can assist in the preparation of Neighbourhood Plans; and,*
  - *how the results of community engagement are to be fed into the planning process.*



### GETTING INVOLVED IN PLANNING

- 1.5 There are two main ways to get involved in local planning matters:

# 1. INTRODUCTION

- a) having your say during public consultation periods on **local development documents**. These are more commonly known as Local Plan and

Supplementary Planning Documents and they set the policy framework against which development proposals will be assessed; and,

- b) making comments on **planning applications** – most types of development from new houses to changes of use require a planning application to be submitted and approved.

1.6 In some areas of the town, it is also possible to get involved in neighbourhood planning matters, particularly during the preparation process of a Neighbourhood Plan. Further information can be found at: <https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy/neighbourhood-planning>

1.7 Decisions on planning applications are made in line with the Local Plan, Neighbourhood Plan, or Supplementary Planning Documents, so getting involved in the production of these type of document at early stage is essential.

1.8 If you wish to be contacted about future public consultation periods regarding **local development documents**, and be added to the Local Plan consultation database, please contact us at: [planningpolicy@middlesbrough.gov.uk](mailto:planningpolicy@middlesbrough.gov.uk) , along with your contact details. For **planning applications** please contact us at: [developmentcontrol@middlesbrough.gov.uk](mailto:developmentcontrol@middlesbrough.gov.uk)

1.9 There are also a number of organisations who provide independent advice and information on the planning system and how to get more involved. A list of useful contacts is set out in Appendix 4.



MAKING COMMUNITY INVOLVEMENT EFFECTIVE

# 1. INTRODUCTION

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

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

1.11 While the aim of community and stakeholder involvement in planning is to build consensus, this is a markedly different outcome to reaching agreement. Just as communities are not made up of identical citizens, then the views that a community holds are likely to be varied. It should, however, be recognised that never-ending consultation exercises cannot be used as an excuse to avoid decisions being taken or lead to situations where the community's input becomes out-of-date and therefore less relevant.



DUTY TO CO-OPERATE AND STATEMENT OF COMMON GROUND

# 1. INTRODUCTION

- 1.12 As well as engaging with local communities, we have a legal duty to consult and work closely with other local authorities within and adjoining the Tees Valley, including relevant statutory bodies such as Highways England, the Environment Agency and Historic England to progress effective strategic planning issues of the area.
- 1.13 Statements of Common Ground are prepared throughout the plan-making process and are expected to document the activities undertaken in the process of addressing strategic cross-boundary issues. They are commonly used to identify matters upon which there is agreement and any outstanding matters that will need to be addressed when preparing a Local Plan.
- 1.14 The Statement of Common Ground should be published alongside the draft Local Plan in order to show how collaborative working has been undertaken and kept up-to-date.

## ROLE OF ELECTED MEMBERS, PARISH AND COMMUNITY COUNCILS

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

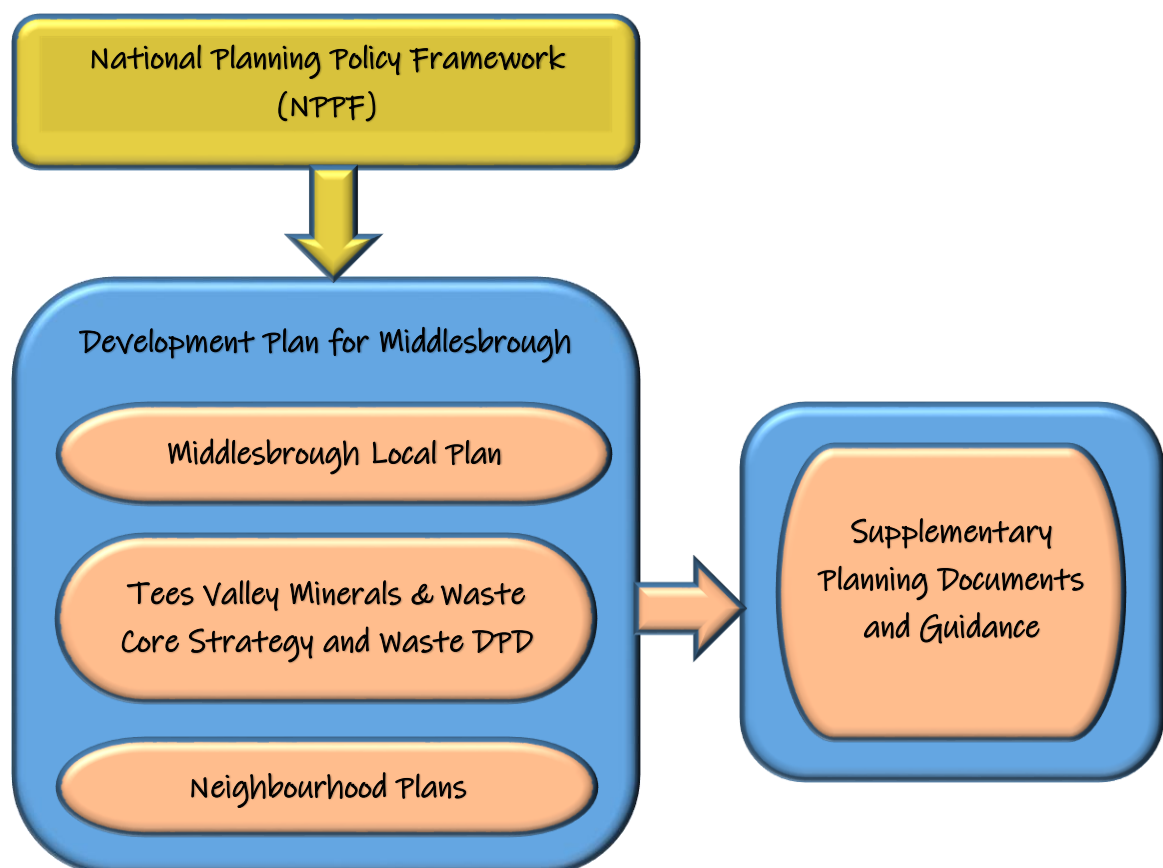
## 2. LOCAL PLAN

### 2. LOCAL PLAN

#### LOCAL PLAN-MAKING

- 2.1 The Local Plan is the key planning document produced by the Council which sets out the long term development strategy for Middlesbrough and planning policies against which proposals for most new development will be assessed. Having local planning policies in place is important to ensure that development in Middlesbrough takes place in a way that is agreed with the local community.
- 2.2 The Local Plan includes a mix of high level strategic policies, more detailed topic specific development management policies that apply to certain types of developments, and allocations that identify land for development and other designations to manage development in specific areas.

The hierarchy of planning policy can be seen in the diagram below:



- 2.3 Collectively, the adopted Local Plan, the Tees Valley Minerals and Waste Core Strategy and DPD, and Neighbourhood Plans form the Development Plan for



## 2. LOCAL PLAN

Middlesbrough. Most development applications will be assessed against the Development Plan and the NPPF.

- 2.4 Information on the programme for preparing or revising the Local Plan is contained in the Local Development Scheme (LDS). Copies of the Council's latest LDS is available to download from the Council's website.

### OUR PRINCIPLES FOR COMMUNITY INVOLVEMENT

- 2.5 In making planning decisions in accordance with our planning policies it is often necessary to balance differing views and make judgements in the interests of all our communities. Getting local opinions will help us make decisions in the most informed way possible.
- 2.6 To achieve this, we will apply some general principles to our planning consultations and community involvement.

### WHAT YOU CAN EXPECT FROM US:

#### CLEAR AND NON-TECHNICAL INFORMATION

We will ensure that consultations have a clear purpose and that information will be written in plain English as far as possible, and if technical words have to be used, their meaning will be explained.

#### EARLY ENGAGEMENT

We will seek views from the local community, stakeholders and other affected parties as early as possible and throughout the process.

#### INCLUSION

To ensure that community involvement is inclusive we will give the local community the opportunity to express their views, and take into consideration all views submitted.

#### FLEXIBILITY

We will aim to arrange engagement events at a range of times and places, to make it convenient for as many people as possible to attend these events.

#### VARIETY OF METHODS

We will use a variety of engagement methods, as appropriate that relate to the stage of the planning process, issues being discussed, communities involved, resources available and time constraints. Additionally, we will make use of electronic and modern media techniques to make consultation easier, quicker and more cost effective.

## 2. LOCAL PLAN

### CO-ORDINATION

Through effective internal co-ordination and greater collaborative working with our partners, we will aim to combine consultation activities and improve information sharing to avoid duplication, deliver better value for money, and avoid the risk of consultation fatigue.

### OPENNESS

We will keep accurate records of responses to consultations, and prepare a Consultation Statement after each consultation event. The Consultation Statement will summarise the process and feedback, and will explain how the responses received have fed into our decision-making regarding our planning documents. The Statement will be made available on the Council's website.

### MONITORING

We will monitor and review the effectiveness of all consultation activities, including seeking feedback from participants to help ensure effective consultation.

### PRIVACY

We will treat all data submitted as part of our activities in line with the Data Protection Act 2018 to ensure your personal information is protected. The Council has provided a Privacy Notice in respect of the Local Plan, which can be viewed on the Council's website. We will only collect information we need to carry out an effective and successful engagement process.

### WHAT WE EXPECT FROM YOU:

2.7 In order to ensure that your involvement is effective you will be expected to:

- provide comments in a clear and concise format related to the issues being considered;
- submit comments within the published time period;
- be aware that comments will be made publicly available;
- be courteous and respectful of other people's views; and,
- if you are replying on behalf of a group or organisation, ensure comments are representative of the group as a whole.

## 2. LOCAL PLAN

### HOW CAN I GET INVOLVED IN LOCAL PLAN CONSULTATIONS?

- 2.8 The preparation of a Local Plan is governed by legislation that requires a number of stages and types of evidence to be produced. This also involves multiple stages of consulting, engaging or informing the local community. That is why it is important that you are involved in the preparation of the Local Plan as early as possible so that your views can help shape the policies and proposals from the beginning of the plan-making process.
- 2.9 At all stages of the plan-making process, there is a legal requirement to make information available to interested residents and organisations, as well as a legal duty to consult the specific and other consultation bodies (these are listed in Appendix 1).
- 2.10 When preparing a new Local Plan, we will comply with the minimum consultation requirements set down by legislation. This will include making consultation material available at Middlesbrough House located on Corporation Road, on our website, and in community hubs and local libraries. A press release will be prepared and sent to local newspapers, placed on our website, and other social media platforms, informing the local community about the consultation, (e.g. period of consultation, where documents can be viewed or downloaded, whether representations are sought, where to send any representations, and our contact details).
- 2.11 In addition to this, we will prepare a bespoke consultation and communication plan. This will determine the consultation techniques that will be used, which will depend on the plan-making stage and the purpose of the engagement.



## 2. LOCAL PLAN

2.12 Techniques will also vary in the level of engagement to be undertaken. Some, such as a poster or leaflet, may aim primarily to inform the community that a consultation is taking place, the topic of that consultation, and that their views would be welcome. Other techniques, such as public exhibitions or presentations, may provide opportunities for the community to engage more directly with Council staff, to ask questions and expand their understanding of the proposals before submitting their responses.

### ENGAGEMENT TECHNIQUES

2.13 Depending on the scale, scope and type of public engagement to be undertaken, techniques may include:

- Documents being made available for inspection at Middlesbrough House located on Corporation Road, community hubs and libraries.
- Press releases sent to local newspapers and other media providers.
- Sending letters/emails to statutory bodies
- Placing information on our website, and the online Consultation Portal.
- Providing information on our social media platforms
- Posters, leaflets and site notices.
- Letter/email notifications to those on the consultation database.
- Public exhibitions and drop-in sessions.
- Presentations at meetings.
- Questionnaires/surveys and/or workshops.
- One-to-one meetings with relevant stakeholders.
- Displays or stalls at local Council held events.
- Engaging with Parish and Community Councils and relevant community groups



## 2. LOCAL PLAN

2.14 When preparing a new Local Plan, there are a number of stages that we need to follow before the Local Plan can be adopted. These stages are identified in the Regulations, as follows:

STAGE	OPPORTUNITIES TO GET INVOLVED	OUR COMMITMENT
<p><b>Stage 1</b></p> <p><b>Scoping or Issues &amp; Options Report</b></p> <p><b>Regulation 18</b></p>	<p>This is a statutory stage, we must:</p> <ul style="list-style-type: none"> <li>• notify relevant bodies/people on the start of the Local Plan process and the topics and geographical areas the Local Plan is proposed to include.</li> </ul>	<p><b>A key stage to be involved.</b> We will consult widely for a minimum of six weeks, and publish a Consultation Statement afterwards setting out who was involved in the consultation, the main issues raised, and how we have responded to these issues.</p>
<p><b>Stage 2</b></p> <p><b>Informal Consultation Preferred Options (optional)</b></p>	<p>In preparing a Local Plan, we will also undertake informal consultation to help inform the consideration of policy options and shape the document with input from the community and other stakeholders. The scale and type of consultation that will be undertaken will depend on the specific topics and issues to be addressed in each document. However, the process will typically involve:</p> <ul style="list-style-type: none"> <li>• using evidence and consultations with stakeholders and the community to identify the key issues;</li> <li>• undertaking initial consultations with stakeholders and the community on the issues and potential options;</li> <li>• using the responses from the initial consultation along with other evidence to develop 'preferred options' (i.e. those which the Council considers to be the most appropriate); and,</li> <li>• consulting on the preferred approach through a 'Draft Local Plan'.</li> </ul>	<p><b>A key stage to be involved.</b> We will consult widely for a minimum of six weeks, and publish a Consultation Statement afterwards setting out who was involved in the consultation, the main issues raised, and how we have responded to these issues.</p>

## 2. LOCAL PLAN

STAGE	OPPORTUNITIES TO GET INVOLVED	OUR COMMITMENT
<p><b>Stage 3</b></p> <p><b>Publication of a Local Plan</b></p> <p><b>Regulation 19</b></p>	<p>In this stage, a more complete draft of the Local Plan is published for further comment from stakeholders. At this stage, comments must focus on legal compliance and soundness of the proposed plan defined as one that is positive, justified, effective, and consistent with national policy (see Appendix 2 for definitions). When responding to this stage of consultation, you should make clear if you want to participate in Stage 5, the public examination of the Plan.</p>	<p><b>A key stage to be involved.</b> We will publish and invite formal representations for six weeks, and publish a Consultation Statement after the consultation finishes.</p>
<p><b>Stage 4</b></p> <p><b>Submission</b></p> <p><b>Regulation 22</b></p>	<p>At this Stage, the Plan is submitted to the Secretary of State for independent examination.</p>	<p>There is no consultation on this Stage, but we will notify all those who made comments at Stage 3.</p>
<p><b>Stage 5</b></p> <p><b>Examination</b></p> <p><b>Regulation 24</b></p>	<p>At this Stage, an independent planning inspector will be appointed by the Secretary of State to examine the draft Local Plan, and make recommendations for any modifications that are needed to make the Plan legally compliant and sound. A series of public hearings will be held on the topics contained in the Plan. If you wish to take part in these hearings, you should make clear in your response to Stage 3. The hearing will be open to the public to watch.</p>	<p><b>A key stage to be involved.</b> We will advertise the dates, times, and locations of the hearings at least six weeks before they take place.</p>
<p><b>Stage 6</b></p> <p><b>Adoption</b></p> <p><b>Regulation 26</b></p>	<p>After the public hearings are complete, the Inspector may make a number of recommendations before the Plan can be adopted. If so, these will be consulted on in the same manner as Stage 3.</p>	<p>If the modifications are accepted the Plan can be adopted, and we will produce an Adoption Statement and make it and the new Local Plan available to view.</p>

## 3. SUPPLEMENTARY PLANNING DOCUMENTS

### 3. SUPPLEMENTARY PLANNING DOCUMENTS (SPDs)

3.1 The purpose of an SPD is to provide more detailed advice or guidance on policies contained within the Local Plan. The main types of SPD can be categorised as:

- a) *site specific* – detailing how we wish to see a site developed, detailing matters such as access, siting, design and landscaping;
- b) *development type specific* – providing detail on the standards it wishes development to achieve (e.g. shop front design); and,
- c) *policy guidance* – providing information on the interpretation and application of specific policies, for example the financial detail on how developer contributions (Section 106) would work, or explaining how to limit the concentration of a particular use within designated retail areas.

3.2 The engagement process will be tailored according to the type of SPD proposed. In respect of site specific SPDs, we will engage with residents, Ward councillors, Parish and Community Councils, and businesses within the vicinity of the site, and other identifiable groups that use the site.

3.3 When preparing an SPD, there are three main stages that we need to follow before the SPD can be adopted:

STAGE	OUR COMMITMENT
<b>Preparation Regulations 12&amp;13</b>	<b>A key stage to be involved.</b> At this stage, we will publish on our website the intention to produce an SPD, and ask for comments from interested parties or organisations. Depending on the scope and type of SPD we may also arrange other events or workshops to discuss the content of the SPD. A Consultation Statement will be prepared, setting out who was involved in this Stage, the comments they made, and how these comments were addressed.
<b>Consultation Regulations 12&amp;13</b>	<b>A key stage to be involved.</b> A completed draft of the SPD will be published for formal consultation. We will make available copies of all consultation material (including the Consultation Statement) in Middlesbrough House, located on Corporation Road, on our website, and at local community hubs and libraries, as well as contacting main and (where appropriate) other stakeholders (as set out in Appendix 1). We will consult for at least four weeks, and a further Consultation Statement will be prepared after the consultation is finished.

### 3. SUPPLEMENTARY PLANNING DOCUMENTS

**Adoption  
Regulation  
14**

Upon adopting the SPD, we will prepare an Adoption Statement and make it, the SPD, and the Consultation Statement available at Middlesbrough House, located on Corporation Road , on our website and at our local community hubs and libraries.





## 4. NEIGHBOURHOOD PLANS

### 4. NEIGHBOURHOOD PLANS

- 4.1 The neighbourhood planning process allows for local communities within a designated Neighbourhood Area to create planning policies for their own areas through Neighbourhood Plans and Neighbourhood Development Orders. These plans and orders are usually prepared by local designated groups known as Neighbourhood Forums or Parish Council's.
- 4.2 Adopted Neighbourhood Plans sit alongside our Local Plan as part of the Development Plan for Middlesbrough, and can determine where new homes and shops should go, or what places should look like. They focus on guiding development rather than preventing it. They cannot, however, promote less development than is set out in the adopted Local Plan.
- 4.3 The bodies preparing Neighbourhood Plans are responsible for undertaking engagement with the community and relevant stakeholders. Only once the draft Neighbourhood Plan, and associated documentation are formally submitted to the Council, can we get involved in consultation to carry out our statutory consultation requirements.
- 4.4 As part of the process of preparing a Neighbourhood Plan, the relevant designated Forum or Parish Council is responsible for carrying out a wide range of tasks, including pre-submission consultation and publicity, before submitting their Plan. Once submitted, we will publicise the draft Plan for a period of six weeks, and seek representations, before an independent examination takes place into the policies contained in the draft Plan. The neighbourhood planning process is outlined below:

<b>NEIGHBOURHOOD PLANNING PROCESS</b>	
<b>Neighbourhood Area</b>	In order for a designated Neighbourhood Forum or Parish Council to prepare of Neighbourhood Plan or Order, a Neighbourhood Area must also be applied for, and designated by us. The Neighbourhood Area must have clear boundaries, and not overlap with any existing Neighbourhood Area.
<b>Neighbourhood Forum</b>	A Neighbourhood Forum (not required if a parish) consisting of at least 21 people who live in, work in, do business in, or represent the Neighbourhood Area must apply for designation from us. The Forum will be responsible for developing a Neighbourhood Plan or Development Order. The Neighbour Forum and Area designation can be applied for at the same time.

## 4. NEIGHBOURHOOD PLANS

<b>Neighbourhood Plan or Development Order</b>	<b>A key stage to be involved.</b> The designated Neighbourhood Forum or relevant body can create planning policy for the designated Neighbourhood Area. This can be a lengthy stage, (average 18 months) in preparing drafting the Plan, which also includes a number of local community consultations, prior to submitting the draft Plan to the Council. Once the draft Plan is submitted, we will undertake a further six week consultation process. An examination is undertaken by an independent examiner, who issues a report, with recommendations on whether we can hold a referendum. If more than 50% of those voting in the referendum vote 'yes', then the Neighbourhood Plan becomes part of the statutory development plan for the area.
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### NEIGHBOURHOOD AREA APPLICATIONS - DETERMINATION TIME LIMITS

4.5 Applications to designate a Neighbourhood Area must be made to the Council. Once we have received the application, all of the relevant documentation will be put on our website as soon as possible. We must make decisions in line with the following time limits (starting the day after the documentation appears on our website):

- 8 weeks for Neighbourhood Area applications made by Parish Councils, covering the whole parish boundary;
- 13 weeks for all non-parish council Neighbourhood Area and Forum applications; and,
- 20 weeks for Neighbourhood Areas falling within the area of two or more local authorities.

4.6 We will adhere to the above time limits, but would strongly advise groups and residents who wish to apply for Neighbourhood Area and/or Forum status, to contact us before submitting their application/s, in order to discuss various options and avoid unnecessary delays once an application has been submitted.



## 4. NEIGHBOURHOOD PLANS

### NEIGHBOURHOOD PLANNING - DUTY OF SUPPORT

4.7 We have a duty to provide support to local communities as they prepare their Neighbourhood Plans, and will provide the following:

- A named officer as the first point of contact for advice and technical support.
- General advice on planning matters.
- A limited mapping service (subject to availability and resources).
- Up to five free A4/A3 colour copies of requested maps prepared by the Council.
- Advice on general conformity with the Local Plan and other planning policy documents.
- Evidence base requirements.
- Electronic access to the Local Plan evidence base.
- Directed to other sources of assistance and financial support.
- Assist in preparing the Consultation Statement.

4.8 We will, however, be unable to offer advice or assistance in the following areas:

- Writing the Neighbourhood Plan, accompanying documentation (other than providing general advice and conformity comments).
- Undertaking survey work.
- Attending every meeting.
- Attending every consultation or workshop event.
- Provide direct financial support.
- Legal advice.
- Secretarial services.

## 4. NEIGHBOURHOOD PLANS

- 4.9 We will also ensure that any support given does not conflict with our own existing and scheduled work priorities, which will take precedence.
- 4.10 As Neighbourhood Plans are not prepared by us, the SCI cannot prescribe what methods of community engagement they must follow. We will, however, expect that the methods used meet the requirements set-out in the Regulations and, where possible, follow the general principles and techniques set out in this SCI.
- 4.11 Further advice and guidance on neighbourhood planning can be obtained Locality at: [www.locality.org.uk](http://www.locality.org.uk) and from the Council's Neighbourhood Planning webpages at: <https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy/neighbourhood-planning> where Neighbourhood Area and Forum application forms can be downloaded.



## 5. PLANNING APPLICATIONS / DECISIONS

### 5. PLANNING APPLICATIONS/DECISIONS

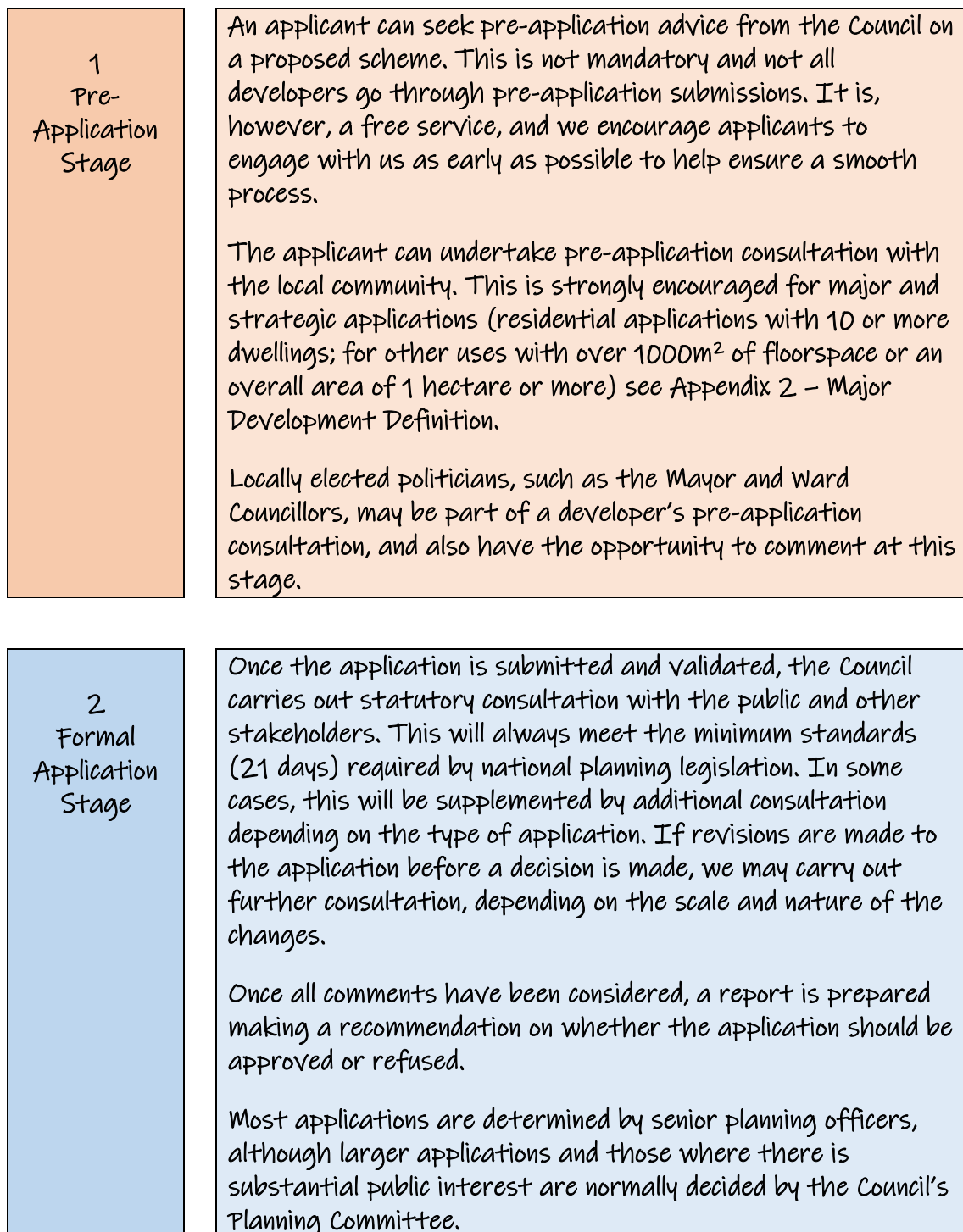
#### COMMUNITY INVOLVEMENT IN PLANNING APPLICATION DECISIONS

- 5.1 The Council's Development Control Team is responsible for the processing of all planning applications within the Borough. Planning applications can include applications for planning permission, listed building consent, tree preservation orders (TPOs), hazardous-substances consent, advertisement consent and prior approvals.
- 5.2 When a planning application is submitted, it is assessed against the planning policies in the Council's Local Plan, any relevant Neighbourhood Plan, national planning policy and guidance, supplementary planning guidance, and other material considerations, before a decision is made.
- 5.3 In addition, for all planning applications there is a period of public consultation where proposals are publicised and comments can be made. All comments during this stage will be taken into consideration before a decision is made.
- 5.4 In some circumstances, the applicant may undertake additional consultation prior to the application being submitted. This pre-application consultation not only helps to raise awareness, but also provides the opportunity to shape the proposals with the community before they are finalised for the planning process.



## 5. PLANNING APPLICATIONS / DECISIONS

5.5 The flow chart below summarises the stages of the planning application process, including when consultation and public involvement will take place:



## 5. PLANNING APPLICATIONS / DECISIONS

### 3 Post-Decision Stage

If planning permission (or a related consent) is granted, it may be subject to conditions requiring further details to be submitted and approved at a later date. In some circumstances, permission may be granted subject to a legal agreement for developer contributions (also known as Section 106 Agreements), which may be signed off at a later date.

Sometimes amendments to permissions are requested, and are dealt with through a further application. Applications for material amendments and reserved matters (following grant of outline permission) will be subject to consultation including interested parties to the initial application.

If permission is refused, the applicant has the right to appeal to the Planning Inspectorate (on behalf of the Secretary of State) to challenge the decision. The procedures for notifying the local community in relation to appeals are set out in national regulations. In some circumstances, a revised planning application may be submitted that seeks to address the reasons for refusal, and these are dealt with using the normal application process.



### WHO IS CONSULTED ON PLANNING APPLICATIONS?

5.6 Anybody can make comments on any planning application submitted to us. We will seek to publicise the fact that an application has been submitted in the most appropriate way, using some or all of the following methods:

- Site Notice.
- Letter to neighbouring and/or nearby properties.
- Statutory Notice in Local Press (Evening Gazette).

## 5. PLANNING APPLICATIONS / DECISIONS

5.7 Further details of how we will publicise planning applications are set out in Appendix 3

### HOW LONG IS THE CONSULTATION PERIOD?

5.8 Once a planning application has been submitted, legislation requires us to allow a minimum of 21 days for any comments to be made on planning applications, before a decision can be made. There are a few exceptions to this:

- When the period includes bank or public holidays, it must be extended to allow for the number of days lost.
- When consultation is carried out on amendments to an application that has already been subject to the 21 day period, the additional consultation period will be determined at our discretion (up to 21 days).
- The period for making a decision is extended to 30 days for applications accompanied by an Environmental Statement made under the Environmental Impact Assessment (EIA) Regulations.

5.9 Notification periods have to strike a balance allowing enough time for comments to be made and ensuring decisions are made in a timely manner. Whatever the period, it is always helpful to receive comments as soon as possible.





## 5. PLANNING APPLICATIONS / DECISIONS

### HOW TO VIEW A PLANNING APPLICATION AND MAKE COMMENTS

5.10 We ask that people take the time to look at an application before commenting on it. Planning Applications, including all supporting documents, can be viewed on the Council's website at:

<https://planning.agileapplications.co.uk/middlesbrough>

5.11 We welcome all comments on planning applications but, in order for them to be taken into account, they must be made in writing (by letter or email etc.). The easiest way to make comments is via the website, or by sending them via email to [developmentcontrol@middlesbrough.gov.uk](mailto:developmentcontrol@middlesbrough.gov.uk). Alternatively, they can be sent to our postal address (see Appendix 4).

5.12 Comments do not have to be written in a particular style or format to be considered. Any member of the community can submit comments on any planning application, as long as it is within the consultation period. Comments received after the consultation period, but prior to the application being determined, will normally also be taken into account.

5.13 When making a decision, we can only take account of certain issues that are legally allowed to influence planning applications. These are known as 'material planning considerations', and they include:

➤	Planning policies contained within the Local Plan, or a Neighbourhood Plan. This can also include emerging plans that have been through at least one round of public consultation.
➤	Previous planning decisions, including appeal decisions
➤	Loss of light or overshadowing
➤	Loss of privacy or overlooking
➤	Design, appearance and materials of a development
➤	Layout and density of buildings
➤	Traffic, highway safety and parking
➤	Noise, smells and other disturbances resulting from the use of a new development
➤	Loss of trees or other nature conservation effects
➤	Effect on listed buildings or conservation areas

## 5. PLANNING APPLICATIONS / DECISIONS

➤	Capacity of physical infrastructure such as public drainage or water systems
➤	Deficiencies in social facilities such as school places
➤	Issues associated with contaminated land

5.14 We cannot ordinarily consider issues such as a potential reduction in the value of a property or loss of a private view – but the reason why these things might happen could potentially be material planning considerations. It is important that you make your comments clear as planning officers will not make assumptions or add to comments made.

5.15 Please be aware that all comments received on planning applications must be made open to public inspection, so only include information that you are comfortable being made publicly available. Any comments which may cause offence will not be published, and may be reported to our legal team.

### DECISIONS MADE BY PLANNING COMMITTEE

5.16 If the application is to be determined by the Planning Committee, we will normally directly notify everyone who made comments of the date and time of the Planning Committee meeting (providing there is sufficient time to do so). All meetings are held in public and anyone can attend.

5.17 The Council allows members of the public and applicants to address the Planning Committee, although the number of speakers and the time they are given to speak is limited. You can find out more about how to register to speak and our committee procedures on our website.

### APPEAL OF DECISIONS

5.18 When a planning application is refused, the applicant has the right to appeal against the Council's decision. In these circumstances, the application is decided by the Planning Inspectorate. Your comments will be forwarded to the Inspectorate, which may choose to publish them on their website. Anyone who made comments on the planning application will be notified that an appeal has been lodged and of the procedure for considering and determining the appeal.

5.19 Appeals can be undertaken in different ways, depending on the type of proposal and the issues that need to be considered:

## 5. PLANNING APPLICATIONS / DECISIONS

- **Written representations** – where the Planning Inspector considers the appeal using written evidence from the interested parties.
- **Hearing** – an informal, round-the-table discussion involving the interested parties will take place, in addition to written evidence.
- **Inquiry** – a formal procedure, usually involving the most complex cases, where interested parties will be expected to present evidence and be cross-examined by legal representatives of the appellant and the Council.

5.20 In some instances, individuals may get the chance to make further comments at the appeal stage; this will be at the discretion of the Planning Inspector.

5.21 Third parties (i.e. anyone other than the applicant) do not have a right to appeal a planning decision made by the Council.

## 6. APPENDIX 1

### APPENDIX 1 MAIN AND OTHER CONSULTEE BODIES

1. The Council is required by legislation to consult certain bodies which it considers may have an interest in or be affected by a document. These bodies include (please note the below list is not exhaustive):
  - Adjoining Local and County Councils;
  - Historic England;
  - Environment Agency;
  - National Highways;
  - Homes England;
  - Local Policing Body;
  - Marine Management Organisation;
  - Natural England;
  - Network Rail;
  - Parish Councils, adjoining Parish Councils and designated Neighbourhood Forums;
  - Sport England;
  - Relevant health providers/groups e.g. The South Tees Clinical Commissioning Group;
  - Relevant Utility and Telecommunication companies; and
  - Duty to Co-operate bodies such as Tees Valley Unlimited, if relevant and/or in relation to strategic cross-boundary matters.
  
2. The Council will also consult 'other consultation bodies' which it considers to be appropriate to planning and who do not fall into the main consultee categories, these may include:
  - Community Councils;
  - Environmental and amenity groups;
  - Developers, Landowners and agents;
  - Special interest groups;
  - Rail Network Operators;
  - Local businesses, business networks; and
  - Educational establishments.

## 6. APPENDIX 2

### APPENDIX 2 'SOUNDNESS' DEFINITION

Soundness is explained in paragraph 35 of the National Planning Policy Framework (NPPF). When examining a Local Plan or Neighbourhood Plan an independent Planning Inspector or examiner has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively Prepared:** This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.

### 'MAJOR DEVELOPMENT' DEFINITION

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

- a) the winning and working of minerals or the use of land for mineral working deposits;
- b) waste development (operational development designed to be used wholly or mainly for the purpose of, or a change of use to, treating, storing, processing or disposing of refuse or waste materials);
- c) the provision of dwellinghouses\*, where there are 10 or more dwellings, or (if the numbers are not known) on a site having an area of 0.5 hectares or more;

## 6. APPENDIX 2

- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 sq.m or more; or,
- e) development carried out on a site having an area of 1 hectare or more.

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

## 6. APPENDIX 3

### APPENDIX 3 MINIMUM CONSULTATION METHODS PLANNING APPLICATIONS

The table below shows the minimum consultation methods for most types of application. Where a particular type of application is not listed, we will follow the procedures set out in national legislation and regulations.

Types of Development	Press Notice	Site Notice	Neighbour consultation letters – minimum standards
<b>1. Application supported by an Environmental Impact Statement (EIA Development)</b>	Yes	Yes	Occupiers of land or properties which are adjacent to and/or have a common boundary with the application site and addresses that are within a distance where it is considered the scheme would be likely to have (more than minor) impacts on a property.
<b>2. Major development</b> <ul style="list-style-type: none"> <li>• 10 or more residential units, or a residential site area of more than 0.5 hectares</li> <li>• 1,000 square metres of non-residential floorspace, or a non-residential site area of more than 1 hectare</li> <li>• Includes changes of use where the above apply</li> </ul>	Yes	Yes	Occupiers of land or properties which are adjacent to and/or have a common boundary with the application site and addresses that are within a distance where it is considered the scheme would be likely to have (more than minor) impacts on a property.
<b>3. Actual departures from the Development Plan</b> (not opinionated departure)	Yes	Yes	Occupiers of properties with shared boundary and possibly including those opposite/slightly more distant.

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Types of Development	Press Notice	Site Notice	Neighbour consultation letters – minimum standards
<p><b>4. Any application affecting a public right of way or footpath/way</b></p> <ul style="list-style-type: none"> <li>• Excluding pavement crossovers, new/revised vehicular or pedestrian accesses.</li> </ul>	<b>Yes</b>	<b>Yes</b>	Occupiers of properties with shared boundary and possibly including those opposite/slightly more distant.
<p><b>5. Non-major development</b></p> <ul style="list-style-type: none"> <li>• Less than 10 residential units.</li> <li>• Less than 1000 square metres of new floor space.</li> <li>• Sites of less than 1 hectare.</li> <li>• Householder development.</li> <li>• Includes changes of use where the above apply.</li> <li>• Telecommunications apparatus that is not permitted development.</li> </ul>	<b>No</b>	<b>No</b>	Occupiers of land or properties which are adjacent to and/or have a common boundary with the application site, are directly opposite across a road or street and those addresses where an impact of the scheme is likely to be noticeable.
<p><b>6. Non-major development where no additional floor space is created</b></p> <ul style="list-style-type: none"> <li>• Except telecommunications apparatus and changes of use.</li> <li>• For example, new shop-fronts.</li> </ul>	<b>No</b>	<b>No</b>	Occupiers of properties with shared boundary and possibly including those opposite/slightly more distant.



## 6. APPENDIX 3

Types of Development	Press Notice	Site Notice	Neighbour consultation letters – minimum standards
<b>7. Applications for development or demolition that would affect the character or appearance of a Conservation Area or the setting of a scheduled ancient monument.</b>	<b>Yes</b> (in most cases)	<b>Yes</b>	Occupiers of properties with shared boundary and possibly including those opposite/slightly more distant.
<b>8. Applications for Listed Building Consent</b>	<b>Yes</b>	<b>Yes</b>	Occupiers of properties with shared boundary and possibly including those opposite/slightly more distant.
<b>9. Advertisement Consent</b> a) Signage on shop fronts or business premises b) Free-standing advertisements c) Large scale advert hoardings.	<b>No</b>	<b>No</b>	a) Site notice only. b) Apply standards for non-major development. c) Apply standards for major development.
<b>10. Prior Approval – telecommunications</b>	<b>Yes</b>	<b>No</b>	Apply standards as in part (5) above.
<b>11. Prior Approval – Larger household extensions</b>	<b>No</b>	<b>No</b>	Occupiers of neighbouring properties that adjoin the site.
<b>12. Applications for permission in principle</b>	<b>No</b>	<b>No</b>	Apply standards as in part (3) above.
<b>13. Applications for reserved matters after the granting of outline permission</b>	The starting point will be the consultation that took place for the Outline application along with anyone who commented on the outline application.		
<b>14. Applications for variation or removal of planning conditions</b>	The starting point will be the consultation that took place for the Outline application along with anyone who commented on the outline application.  A reduced neighbour notification area may be used, depending on the nature of the amendments.		

## 6. APPENDIX 3

Types of Development	Press Notice	Site Notice	Neighbour consultation letters – minimum standards
<b>15.Applications for minor material amendments (Section 73)</b>			<p>The starting point will be the consultation that took place for the Outline application along with anyone who commented on the outline application.</p> <p>A reduced neighbour notification area may be used, depending on the nature of the amendments.</p>
<b>16.Applications for non-material amendments (e.g. technical amendments)</b>			<p>No consultation is necessary but may be undertaken on the specific nature of the proposal.</p>
<b>17.Lawful development certificates</b>			<p>These are legal determinations and by definition no consultation would be necessary.</p>

## 6. APPENDIX 4

### APPENDIX 4 USEFUL CONTACTS

*Statement of Community Involvement, Local Plan, Supplementary Planning Documents, and Neighbourhood Plans*

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

Planning Policy  
Middlesbrough Council  
PO Box 504  
Middlesbrough  
TS1 9FY

Telephone: (01642) 729065

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

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

#### *Planning Applications*

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

Development Control Contacts:

Telephone: (01642) 729377

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

Planning Applications: <https://planning.agileapplications.co.uk/middlesbrough>

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

## 6. APPENDIX 4

### Further information and useful contacts

#### The Planning Portal

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

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

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

#### Department for Levelling Up, Housing & Communities (DLUHC)

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

Website: <https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities>

Email: [correspondence@levellingup.gov.uk](mailto:correspondence@levellingup.gov.uk)

Postal Address: Department for Levelling Up, Housing & Communities  
2 Marsham Street  
London  
SW1P 4DF

Tel: 030 3444 0000.

#### The Planning Inspectorate

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

Website: <https://www.gov.uk/government/organisations/planning-inspectorate>

Postal Address: The Planning Inspectorate  
Room 3 O/P, Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

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Tel: 0303 444 5000

### *Planning Aid England (PAE)*

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

Website: <https://www.rtpi.org.uk/planning-advice/about-planning-aid-england/contact-pae/>

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

Postal Address:

Planning Aid England  
The Royal Town Planning Institute,  
41 Botolph Lane,  
London EC3R 8DL

Tel: 020 7929 8338

## 6. APPENDIX 5

### APPENDIX 5 GLOSSARY

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

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

**Data Protection Act:** the new Data Protection Act 2018, places greater obligations on how organisations handle data. The Act came into force in May 2018.

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

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

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

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

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

**Major Development:** 10 or more dwellings or 0.5 hectares or over. For commercial floorspace this is 1,000sq.m or more.

**Minor Development:** 9 or less dwellings or land area under 0.5 hectares or up to 999sq.m.

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

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

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

**Regulations:** Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), The Neighbourhood Planning (General) Regulations 2012 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

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

**Strategic Environmental Assessment (SEA):** An environmental assessment which complies with the EU Directive 2001/42/EC. The environmental assessment involves the preparation of an environmental report, the carrying out of consultations, the taking into account of these in decision making, the provision of information when the

## 6. APPENDIX 5

plan or programme is adopted and showing that the results of the environmental assessment have been taken into account.

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

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