

# Statement of Community Involvement

A guide to how you can get involved in planning decisions



Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council



Adopted 2015





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# What is a Statement of Community Involvement?



- 1.1 A Statement of Community Involvement (SCI) describes how the public, businesses and interest groups within a local authority area can get involved in the creation of local planning policy and the decision making process aimed at shaping where we live, work and trade. This is essential to help improve understanding and openness of the planning process. It also identifies the types of people and groups who ought to be involved, ways of involving them effectively and when they can get involved.
- 1.2 The SCI is extremely important as it will establish a minimum standard of consultation on planning matters and these requirements are closely scrutinised when planning policy documents are independently examined.

### Draft SCI 2014 Public Consultation

- 1.3 A draft Stoke-on-Trent & Newcastle-under-Lyme SCI was published in 2014 to give residents, businesses, parish and town councils and other groups an opportunity to have a say in how they want to be involved in guiding the development of the Borough of Newcastle-under-Lyme (the 'borough council') and The City of Stoke-on-Trent (the 'city council'). The councils have considered the issues raised in the consultation responses and have made a number of changes in response to these. A Consultation Report has been produced which sets out the how the consultation was undertaken, who was consulted, the main issues raised and how these have been addressed by the councils.

### Adoption of the SCI

- 1.4 In many cases the proposals set out in this SCI go beyond the minimum legal requirements. However, both councils have also recognised the need to deliver a service which is both effective and cost efficient.
- 1.5 Stoke-on-Trent City Council adopted this Joint SCI on **INSERT DATE**. Newcastle-under-Lyme Borough Council adopted it on **INSERT DATE**.



## Why has a new Statement of Community Involvement been produced?

- 1.6 The councils have produced this new SCI as there have been significant changes in development management and planning policy (see Glossary) procedures since the adoption of both councils previous SCIs. The borough council's previous SCI was adopted in 2006 and the city council's SCI was adopted in 2007. The changes were in part due to changes to national policy and legislation, and reviews carried out by both councils.
- 1.7 The borough council and the city council decided in March 2014 to take a joint approach to planning the future of the two local authority areas by producing a Joint Local Plan (see Glossary). This also provided the opportunity to work jointly on a new SCI to ensure both a consistent approach to consultation on planning policy matters and that the most effective consultation mechanisms are in place to support the successful involvement of the local community in the Joint Local Plan.
- 1.8 The Development Management section in this SCI, which sets out the way the community can have a say on planning applications, reflects the different ways in which these services are managed.

## Why should the community get involved in the planning process?

- 1.9 The Planning process aims to encourage investment and growth, to help ensure that the long term economic and social needs of a community are met. It does this by providing land for: housing; jobs, shopping; leisure and community facilities etc. These needs often compete with one another and can put pressure on the environment. The planning process exists to balance these competing interests and create the conditions for business to grow and to deliver spaces and buildings that raise the quality of life. The aim is to do this without creating an unacceptable long term impact on the environment. This is often referred to as 'sustainable development'.
- 1.10 Since planning has a direct impact on the daily lives of residents and the business community it is very important that development proposals are transparent and that you have the opportunity to have a say in the planning decisions that are made on your behalf.
- 1.11 Getting involved at an early stage of the planning process means that you stand the best chance of influencing a decision, so this draft SCI is designed to tell you about the different stages when you can get involved and how. See Part 2 to find out how to get involved in Planning Policy and Part 3 to know more about the Development Management process.
- 1.12 Your local knowledge is also very valuable in helping to make good decisions and it's important that decision makers understand the type of community you want to live in. Likewise it's very important that we understand the aspirations of those who are ultimately responsible for delivering future development, i.e. the developers and land owners, so that we can work together to bring forward development which is in the public interest.

- 1.13 Our approach to community involvement therefore aims to:

**Inform** people of the planning process and to provide people with the information they need to be involved at the earliest opportunity possible.

**Involve** individuals and/or groups by creating opportunities for active participation and dialogue with planning officers.

**Consult** with the local communities and a range of stakeholders, in line with statutory requirements and regulations.

**Respond** to any comments received, giving proper consideration and explanation of how these views will be incorporated into the planning documents and decisions.

## Challenges and objectives

- 1.14 The borough council and the city council recognise that there can be barriers to effective public participation and will work hard to address and overcome these where possible.
- 1.15 The main constraints are:
- **Cost** - complex community involvement exercises can be costly in the preparation, attendance and follow up. These costs need to be balanced with the complexity of the subject matter of the consultation document and the extent of the area covered by proposals;
  - **Managing expectations** – balancing the need for consultation with resource constraints;
  - **Consultation fatigue** – it is important that the councils can deliver their objectives for community involvement but there is also a need to ensure that the local community does not become overloaded with consultation exercises;
  - **Technical terminology** - although the current planning system seeks to open up the process, there are still many technical terms and expressions. Plain English will be used wherever possible, and glossaries provided within each planning policy document;
  - **External constraints** - it is sometimes not possible to give a 'free rein' to an issue due to national policy or other 'rules' which are beyond the control of the councils. Where these are known, the borough council and the city council will make these clear from the outset; and
  - **Technology** - the use of e-technology makes communication and involvement in a complex process much easier for the public to self-serve. E-technology enables communities to have 24/7 access to information posted on the council websites. This supports an open and transparent planning system and should reduce the number of planning enquiries. However, the borough council and the city council recognise that not all of the community is able to use a computer, the internet or email, and therefore traditional methods of consultation will continue to be utilised.

## Equal opportunity

- 1.16 The way in which we consult on planning matters will aim to meet the specific local needs of the two local authority areas.
- 1.17 Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council are both committed to meeting their duties regarding equality and diversity, under the terms of the Equality Act 2010 (see Glossary). In our endeavour to work in an inclusive manner we will consider the way we deliver our planning services from the perspective of a range of potential users, including 'hard to reach' groups (see Glossary). Consultation measures set out in this SCI, which have been prepared with this aim in mind, include a commitment to make available documents in other formats upon request and offering some consultation and community engagement approaches in plan-making that do not involve writing.
- 1.18 Making the service accessible to those who are unfamiliar with the terms, processes and structures of the planning system is always a challenge. We will continuously review the ways we do this and will endeavour to cater for a range of levels of literacy and comprehension and will seek to clarify the relevance of planning to people's everyday lives. Any significant changes to the way the community are involved will be subject to public consultation.
- 1.19 The Tables on pages 14 to 18 and in Appendices 5 to 7 set out how different groups and individuals can get involved.

## The Planning System: plan-making and decision-taking

1.20 The National Planning Policy Framework (NPPF) requires that applications for planning permission must be determined in accordance with the development plan (see Glossary), unless material considerations (see paragraphs 3.32-3.34 and Glossary) indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.<sup>1</sup>

### Plan-making

1.21 Plan-making involves thinking ahead about where it might be best to build new development to provide new homes and new jobs, whilst at the same time thinking about the necessary support facilities such as shops, schools, doctors, etc.

### Local authority plans

1.22 The type of plans normally prepared by local authority (see Part 2: Planning Policy) usually deal with strategic issues i.e. issues that affect the whole of a local authority area and might impact on neighbouring local authorities, for example planning to ensure the housing needs of the whole local authority area can be fully met.

### Neighbourhood plans

1.23 Since the Localism Act in 2011 the community is able to prepare neighbourhood development plans. These set out how a community wants their neighbourhood to be i.e. a vision for that area, and policies and proposals for the use of development land. The decision to prepare a neighbourhood plan has to be made by the relevant designated bodies, such as parish and town councils, business forums and neighbourhood forums. Further information will be available on both councils' websites.

### Decision-taking:

1.24 Planning is something that affects everyone's lives although, for many of us, the only direct involvement we may have in the planning system is if we decide to build an extension and need to obtain planning permission from the council, or we may receive a letter from the council to let us know that a new development is proposed near where we live or work. This part of the planning process is often referred to as 'Development Management', which involves making decisions on planning applications.

1.25 This SCI sets out what the key stages are in the plan making and planning decision making process and how you can expect to be involved. Planning Regulations also require, when making development plans, that a number of statutory bodies (including Town and Parish Councils) should be consulted and these are listed in Appendix 1.

<sup>1</sup>Department for Communities and Local Government (2012) National Planning Policy Framework paragraph 2

### How can I get involved in plan-making?



- 2.0 Recent legislation and planning regulations have changed the way in which we plan for the future. The key document containing planning policies and future development proposals is now called a Local Plan. It is intended to replace core strategies and site allocation documents and to become the document that plays a key role in guiding investment and decisions made in the Development Management process. Additional guidance may be set out in Supplementary Planning Documents, commonly known as SPDs. Together all the planning documents adopted by a local authority form a council's 'Local Development Framework' (see Glossary).

#### How you can get involved in plan-making

- 2.1 Early and meaningful engagement and collaboration with individuals, neighbourhoods, local organisations and businesses is essential in the development of a Local Plan. The borough council and the city council are keen that a wide section of the community should be proactively engaged, so that the Joint Local Plan, as far as possible, reflects a collective vision and a set of agreed priorities for the sustainable development of the area.
- 2.2 A range of methods and techniques will be used to involve the communities of both local authorities. Details of the methods of community involvement to be used at each stage of Local Plan preparation are set out on page 12. We also recognise that there are groups with existing communication networks in their areas, such as Parish and Town Councils, Residents Associations and Locality Action Partnerships. These groups can be key contributors in increasing awareness at the local level, particularly in the rural area.
- 2.3 If you don't want to get involved, but you do want to know what's going on and what stage a policy document has reached, or what progress has been made towards the completion of each plan making stage then you can view the Local Plan programme published on each council's website, this fulfils the role of the councils' Local Development Scheme (see Glossary).



2.4 Planning policy can also be set out in Neighbourhood Plans (see Glossary), but the decision to prepare such plans is not the responsibility of the local authority. This rests with a Town or Parish Council or Neighbourhood and Business Forums (see Glossary). The methods of communication that are adopted for these types of plan will be at the discretion of these lead bodies.

## **Who we will be consulting**

2.5 The borough council and the city council are keen to extend opportunities for involvement to everyone who has a desire to take some part in the plan-making process. We recognise that many people, whilst having an interest in local affairs, may find the bureaucratic and cumbersome nature of the process both frustrating and off-putting. We do however want to take every opportunity to raise people's awareness of how development plans are relevant to their concerns and how they can influence the debate that leads to their formation.

## **Consultation database**

2.6 The borough council and the city council will be consulting directly with groups and organisations whose details it keeps on a database for this purpose.

2.7 These include:

- Local community and voluntary sector groups.
- Parish or Town Councils and neighbouring local authorities.
- Local MPs and county councillors.
- Locally based statutory bodies and other providers.
- Utility and commercial infrastructure provision companies.
- Land owners and developers
- Government departments or agencies and other statutory bodies (national and regional level).
- National and regional non-governmental organisations and interest groups.

2.8 We will continue to strive to make this database as inclusive as possible. If you wish to be added or deleted please inform us by contacting [planningpolicy@newcastle-staffs.gov.uk](mailto:planningpolicy@newcastle-staffs.gov.uk) or [planning.policy@stoke.gov.uk](mailto:planning.policy@stoke.gov.uk). The councils will put in place a shared data agreement to ensure the protection of personal data submitted with consultation responses and identified on the respective planning policy consultation database of each council.

2.9 Appendix 1 sets out a list of 'specific' and 'general' consultees and stakeholders. Both lists are used to notify individuals and stakeholders of the proposal to prepare the Joint Local Plan and to seek comments. Such notification is necessary to comply with section 18 of the Local Planning Regulations. This list only contains those consultees and stakeholders which must be consulted in order to meet the requirements of section 18. Both councils are committed to informing all those who have made a request to the councils that they wish to be informed of future consultation by including them on the consultation database. Due to the timescales involved in producing planning policy documents and the number of people wishing to be kept informed, the councils have not listed them in Appendix 1

2.10 However, anyone can respond to public consultation they do not need to be notified directly. For planning policy documents such as a supplementary planning document that covers only a limited area or topic, the borough council and the city council will engage those organisations with an interest in the area or topic and any others who have requested it.

## **Availability of information on the councils websites**

2.11 Both councils will endeavour to ensure that information on plan-making activities, including stages in the process, can easily be located on their website by the use of shortcut links. During consultation periods each council will endeavour to provide a link on their respective homepage to help you access relevant information, including the council's evidence base.

## Duty to cooperate

- 2.12 The 'duty to cooperate' as set out in the Localism Act (2011) requires local planning authorities (see Glossary), county councils and other public organisations to engage with one another and consider joint approaches to plan making. The Borough of Newcastle-under-Lyme and the City of Stoke-on-Trent are located in the north of Staffordshire and share their boundaries with a total of five other local authorities:
- Cheshire East Council
  - Shropshire Council
  - Stafford Borough Council
  - Staffordshire County Council
  - Staffordshire Moorlands District Council
- 2.13 It is important for the councils to communicate with their partner organisations, particularly regarding cross boundary and county-wide issues. The councils also take part in regular discussions through the following forums:
- Staffordshire Development Officers Group
  - West Midlands Planning Officer Group
- 2.14 The borough council and the city council will continue to work closely with their partners to deliver planning under the duty to cooperate. This will involve discussions with other organisations, Government Agencies and Departments as appropriate including:
- Staffordshire Police
  - Staffordshire and Stoke-on-Trent Local Enterprise Partnership
  - NHS Trust
  - Utility Companies
  - Relevant Government Agencies and Departments
- Please note that the above list is not exhaustive and may be subject to change over time.

## The Newcastle-Under-Lyme and Stoke-on-Trent Joint Local Plan

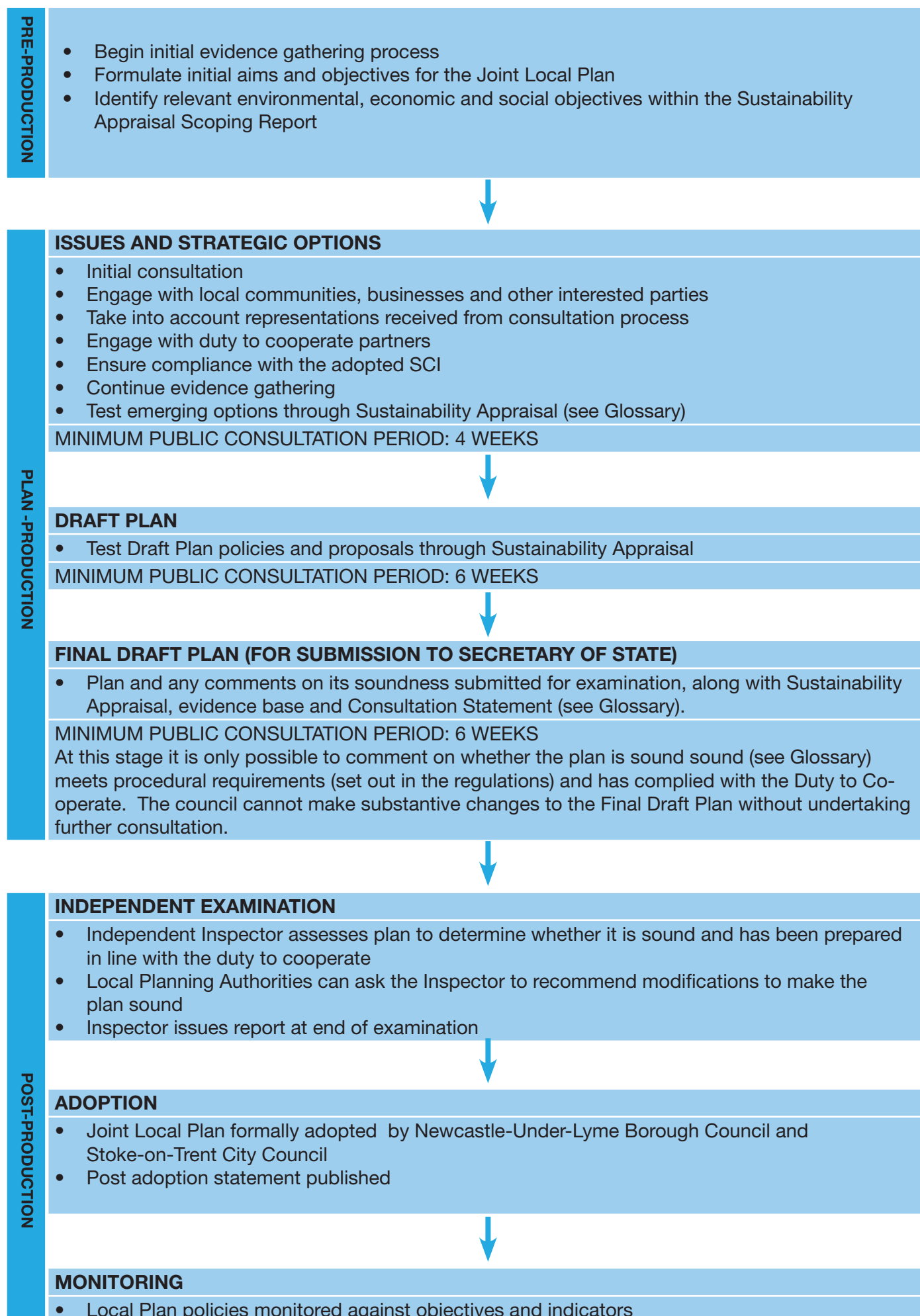
- 2.15 The Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan will be comprised of a new overarching planning strategy which will capitalise on the advantages of the two local authority areas to create the environment for investment and economic growth over a 15 – 20 year period, setting targets for housing, employment and retail provision. It will focus on the key issues that need to be addressed and be aspirational but realistic in what it proposes. In this way the Joint Local Plan will make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered.
- 2.16 The planning strategy will form the starting point for considering whether a planning application is acceptable, but the Local Plan will also contain site specific allocations and a set of generic development management policies to be used in the determination of planning applications.
- 2.17 A timetable for preparation of the Newcastle-under-Lyme and Stoke-on-Trent Joint Local Plan is available on both councils websites – [newcastle-staffs.gov.uk](http://newcastle-staffs.gov.uk) and [stoke.gov.uk](http://stoke.gov.uk) – and will be regularly updated to reflect progress on key milestones.

## How will the Joint Local Plan be prepared?

- 2.18 National planning policy sets clear expectations as to how a Local Plan must be developed in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities.
- 2.19 The key stages of plan preparation are prescribed within the Planning and Compulsory Purchase Act 2004 and Local Planning Regulations 2012. The production of a Local Plan is an iterative process where the overarching strategy is developed through a number of stages in consultation with the public and key stakeholders. Local planning authorities should firstly assess the future needs and opportunities of their area (i.e. understand the issues). Following on from this, options for addressing these issues should be developed. Finally, a preferred approach should be identified which will ultimately form the basis of the Local Plan.
- 2.20 The Joint Local Plan will be prepared in accordance with the requirements of the National Planning Policy Framework and National Planning Practice Guidance (NPPG – see Glossary). The following diagram shows both the key stages of plan production, adapted from the NPPG, and identifies the key stages when we will be consulting.



**Diagram 1: The Joint Local Plan production process**





## The role of Elected Members in Local Plan Preparation

### **Joint Advisory Group**

- 2.21 To assist in the timely delivery of the Joint Local Plan, the borough council and the city council have agreed to establish a Joint Advisory Group made up of equal numbers of senior officers and councillors from both councils. The group will have no decision making powers but will facilitate discussion and negotiation on 'high level' policy matters, which have cross boundary implications, such as the future growth of each local authority area.
- 2.22 The group will also facilitate legal compliance with the duty to cooperate. By law local planning authorities and other public bodies must work together constructively from the outset of the preparation of a Local Plan. Evidence of compliance with the duty is both a legal test and a test of soundness, which the plan will be tested against when it is ultimately submitted for independent examination by the Planning Inspectorate (see Glossary).

### **Cabinet and Full Council**

- 2.23 The responsibility for preparing the Joint Local Plan will rest with the separate Executive Bodies at each authority, i.e. Cabinet. As part of the process the recommendations of the Joint Advisory Group will be reported to and considered by the executive body of each council, which will retain decision making powers. The legal requirement for the Full Council of each authority to ratify policies set out in the Draft and Final Local Plan and to formally adopt the Local Plan (following examination) also remains. Comments will be sought from Newcastle-under-Lyme's Planning committee and Stoke-on-Trent's Development Management Policy Group and ward members at appropriate times to inform this process.

## Joint Local Plan – methods of communication

2.24 The following tables set out the detail about the methods of communication with stakeholders and the public that will be used by the borough council and the city council in preparing the Joint Local Plan. This indicates the minimum standards that will be applied. Occasionally other methods of involvement may be applied in response to needs identified at the time.

**Table 1: Joint Local Plan Pre-Production Stage**

	Scoping and Assembly of Evidence Base <sup>4</sup>	Production of SCI	Production of Sustainability Appraisal Scoping Report
Duty to cooperate discussions and liaison with statutory consultees and partners <sup>2</sup>	✓	✓	✓
Draft versions of documents published online		✓	✓
Reference copies of final documents made available <sup>3</sup>		✓	
Enable public consultation responses to be submitted		✓	
Publish and consider all comments received		✓	✓
Make changes to documents, where considered appropriate	✓	✓	✓
Final versions of documents published online		✓	✓
Produce a Consultation Statement		✓	

<sup>2</sup>Duty to Cooperate discussions will be held with relevant bodies when relevant cross boundary or strategic issues are identified

<sup>3</sup>Reference copies will be made available at public venues (see Glossary). Hard copies may be made available for purchase in exceptional circumstances (e.g. where the consultee is unable to use a computer).

<sup>4</sup>(See Glossary) Occasionally, wider engagement may take place on scoping and evidence gathering where there is a need to input more specialist knowledge. This may take the form of focus groups, workshops, surveys or one to one conversations with relevant parties.

**Table 2: Joint Local Plan production stage**

	Issues and Strategic Options	Draft Local Plan	Final Draft Local Plan
Duty to cooperate discussions. Liaison with statutory consultees & partners <sup>5</sup>	✓	✓	✓
Publish documents online and make reference copies available <sup>6</sup>	✓	✓	✓
Publicise via Press release and social media	✓	✓	✓
Leaflets and posters	✓	✓	✓
Display site notices <sup>7</sup>		✓	✓
Hold manned exhibitions <sup>8</sup>	✓	✓	✓
Focus groups & workshops	✓	✓	
Enable public responses to be submitted <sup>9</sup>	✓	✓	✓
Publish and consider all comments received	✓	✓	✓
Make appropriate changes to documents	✓	✓	
Produce a Consultation Statement <sup>10</sup>			✓

<sup>5</sup>Duty to Cooperate discussions will be held with relevant bodies when relevant cross boundary or strategic issues are identified

<sup>6</sup>Reference copies will be made available at public venues (see Glossary). Hard copies may be made available for purchase in exceptional circumstances (e.g. where the consultee is unable to use a computer).

<sup>7</sup>Where there are site specific proposals (such as the proposed allocation of sites at Draft Local Plan and Final Draft Local Plan stages) notices will be placed in publicly accessible and visible frontages at the boundaries of sites.

<sup>8</sup>Exhibitions will be manned where there is a need for dialogue between members of the public and council officers. Opportunities for people to submit comments at the exhibitions will be provided.

<sup>9</sup>A facility to submit comments online during the public consultation periods will be provided. Response forms will be provided alongside hard copy reference documents during public consultation periods.

<sup>10</sup>This will be submitted to the Planning Inspectorate along with all other supporting documents in advance of the Independent Examination (see Glossary).

**Table 3: Joint Local Plan post production stage**

	Independent Examination	Adoption
Publish details on council websites <sup>11</sup>	✓	✓
Publicise via press release and social media	✓	✓
Reference copy available <sup>12</sup>	✓	✓
Duty to cooperate discussions and liaison with statutory consultees & partners <sup>13</sup>	✓	✓
Host formal examination hearings	✓	
Enable papers and statements to be submitted	✓	
Councils & inspector to consider all comments received	✓	
Produce a Consultation Statement <sup>14</sup>	✓	
Publish an Adoption Statement on council websites <sup>15</sup>		✓

<sup>11</sup>Details of the Independent Examination (see Glossary) will include the venue, dates and times of the Hearing Sessions, along with agendas, papers and other relevant documents. The Inspectors Report and adopted Local Plan documents will also be made available online.

<sup>12</sup>Reference copies will be made available at public venues (see Glossary). Hard copies may be made available for purchase in exceptional circumstances (e.g. where the consultee is unable to use a computer).

<sup>13</sup>Details of the Examination, publication of the Inspectors Report and adoption of the Joint Local Plan will be sent via email or letter to those who have provided comments at any stage of plan production, have requested to be kept informed of these stages, or if they are listed as a specific consultee in Appendix 1.

<sup>14</sup>See Glossary

<sup>15</sup>See Glossary

2.25 Following adoption, performance and progress against the Joint Local Plan policies and land allocations will be presented in the Authorities Monitoring Report (see Glossary).

## Supplementary Planning Documents (SPDs)

2.26 Supplementary Planning Documents (SPD's) will occasionally be produced in order to add greater detail and guidance to planning policies or allocations. SPD's could relate to a location or area or they may be topic-based, such as affordable housing, design guidance, etc. SPD's do not have the same status as a Local Plan but, once adopted, an SPD will be a 'material consideration' (see Glossary) in planning decisions. National policy advises that SPD's should only be prepared where necessary, and should not be used to add unnecessarily to the financial burdens on development.

2.27 The borough council and the city council are committed to involving communities in the preparation of SPD's. The process for SPD preparation is different to Local Plan preparation. Key stages and opportunities for community involvement are set out on the next page.



**Table 4: SPD production**

	Evidence Gathering and SPD Preparation Stage	Publication Stage <sup>19</sup>
Duty to cooperate discussions		✓
Liaise with statutory consultees/ partnerships	✓	✓
Publish documents online & make limited hard copies available <sup>16</sup>	✓	✓
Publicise via press release		✓
Publicise via social media	✓	✓
Leaflets and posters	✓	
Enable public responses to be submitted <sup>17</sup>	✓	
Publish and consider all comments received	✓	
Make changes to documents, where considered appropriate	✓	
Produce a Consultation Statement <sup>18</sup> and consult on this		✓
Publish Adoption Statement and send a copy to those who have requested it		✓

<sup>16</sup>Limited numbers of hard copy SPDs will be made available for reference only at public venues (see Glossary). Copies may be made available for purchase in exceptional circumstances

<sup>17</sup>This will be within a six week consultation period. A facility to submit comments online during the public consultation periods will be provided. Response forms will be provided alongside hard copy reference documents during public consultation periods.

<sup>18</sup>See Glossary

<sup>19</sup>Notification of the publication of the final version of the SPD will be sent via email or letter to those who have registered interest or provided comments.

2.28 Exhibitions may be used to publicise and receive feedback on SPDs. This will be particularly considered where the SPD is focused on a location or area. Focus groups, public meetings, workshops, surveys or one to one conversations with relevant parties may be held where there is a need for more specialist knowledge to input to SPD preparation.

2.29 Final versions of SPDs will be adopted by each council’s Cabinet. Where an SPD is withdrawn a statement will be published online and those who previously made comments on it will be notified.

## Preparation and review of this Statement of Community Involvement

2.30 The following table sets out how the community will be involved in the preparation and future review of this Joint Statement of Community Involvement.

**Table 5: Statement of Community Involvement consultation**

Stage	Method of Involvement
<b>Production of SCI</b>	<ul style="list-style-type: none"> <li>✓ The draft version of the SCI will be published and consulted on for a six week period.</li> <li>✓ The draft and the final versions of the SCI will be made available on both council's websites and in hard copy reference format in council offices, contact centres and libraries.</li> <li>✓ A press release will be made to local media organisations to publicise the production of the draft and final versions of the SCI.</li> <li>✓ Both council's will consult with neighbouring authorities and individuals, organisations and interest groups named on the Local plan database of each authority upon publication of the draft and final versions of the SCI</li> <li>✓ Publication of the SCI will be promoted using both council's social media accounts.</li> <li>✓ Response forms will be made available online and in public venues (see Glossary) for people to provide comments on specific aspects of the draft SCI, or the document as a whole.</li> <li>✓ The borough council and the city council will consider all comments received and make appropriate changes to the SCI where necessary.</li> </ul> <p>Where further publicising of the SCI may be necessary, leaflets and posters may be produced and will be displayed in a range of public venues (see Glossary).</p>
<b>Review of SCI</b>	<ul style="list-style-type: none"> <li>✓ The borough council and the city council will make minor revisions to improve the SCI or implement changes required by new regulations via a council resolution.</li> <li>✓ More fundamental changes to the document that warrant a 'fresh' SCI will repeat the process laid out above.</li> <li>✓ You will be able view authorities monitoring reports online to see how the borough council and the city council consider they are performing against the standards set out in the SCI.</li> </ul>

# How can I comment on a planning application?

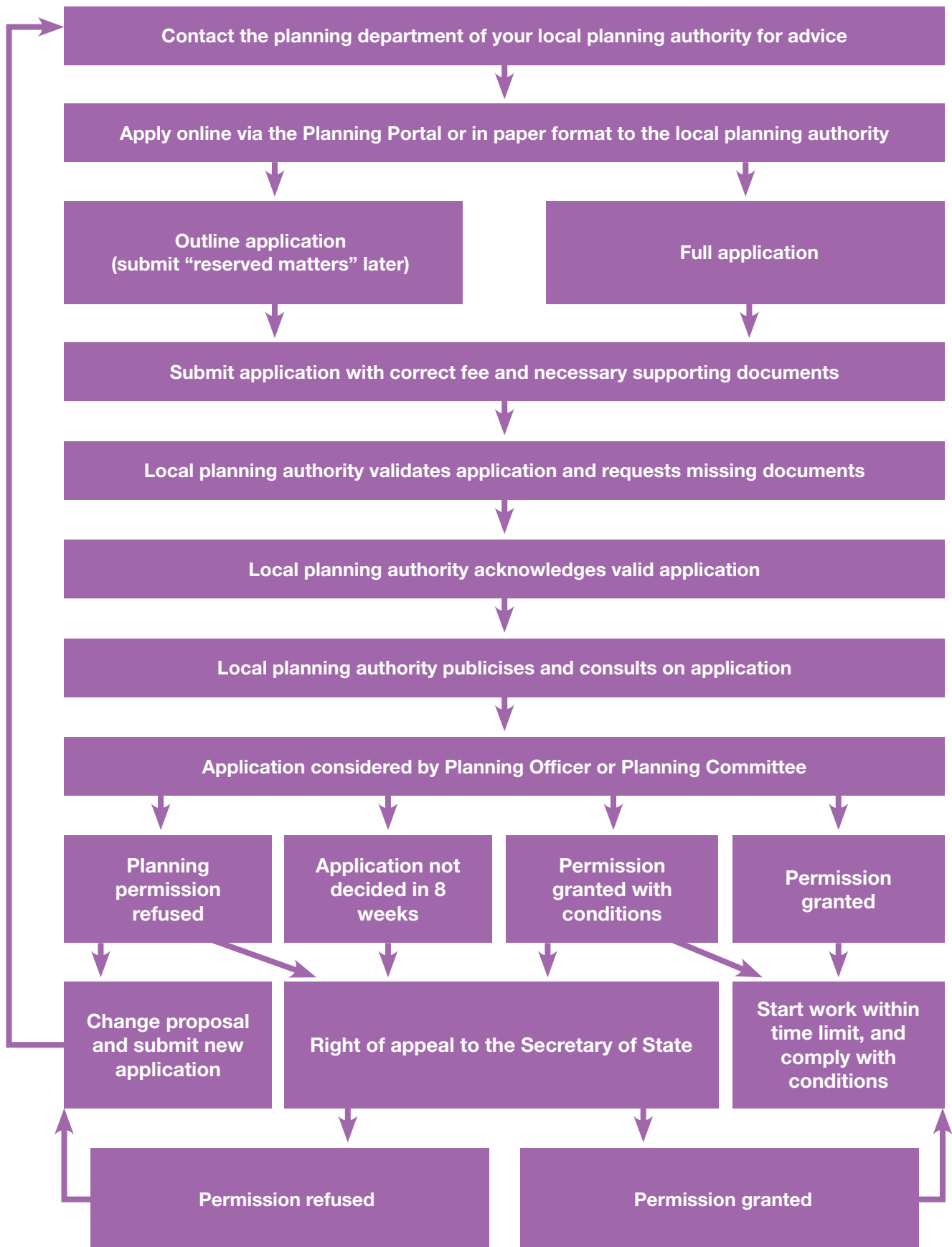
### The Development Management Process

- 3.1 Development Management includes the process by which the borough council and the city council consider and decide applications made under planning legislation. Development Management aims to deliver the vision and objectives set out within the Local Plan and it therefore has a key role to play in improving the quality of life for the community and in achieving sustainable development (see Glossary). The NPPF paragraphs 196 and 197 identify that “The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. It goes on to state that “In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”<sup>2</sup>
- 3.2 The borough council and the city council each decide approximately 900 applications made under ‘planning’ legislation each year, with proposals ranging from the more minor householder developments such as extensions, through to major applications for housing developments, retail and industrial schemes, and new infrastructure. There are numerous different types of applications – the principal ones being planning applications, or applications for planning permission.
- 3.3 As the city council is a unitary authority, it is responsible for all local government functions and all decisions that are made by a Local Planning Authority. The borough council is within a two-tier system, and so planning decisions for certain types of development will be made by Staffordshire County Council. For example, all applications under ‘planning’ legislation dealing with quarrying, mineral processing and waste disposal, and the County Council’s own developments, in Newcastle-under-Lyme are dealt with by the County Council.



<sup>2</sup>Department for Communities and Local Government (2012) National Planning Policy Framework paragraphs 196 and 197

**Diagram 2: The Decision Making Management Process for applications for outline and full planning permission**





## **Types and categories of applications**

- 3.4 There are numerous different types of applications made under planning legislation to the borough council and the city council as the Local Planning Authorities for the area. These are set out in detail in Appendix 2 to this Statement.
- 3.5 Applications are made for various different types of development. These are detailed in Appendix 3 to this Statement.

## **Community involvement in decision making**

- 3.6 The borough council and the city council wish to ensure that any person, groups or organisations affected by or with an interest in a planning application, have the opportunity to comment on that proposal.
- 3.7 Planning officers will aim to work with the applicant, the community, elected members and other statutory consultees throughout the Development Management process. Different methods of community involvement will be appropriate, depending on the scale and nature of the individual proposal. Standards for community involvement are set out within the Tables in Appendices 5, 6 and 7.
- 3.8 There are however many types of applications made under planning legislation which do not require to be subject of any publicity. In the case of both councils these applications are available for members of the public to view on its website but the council takes no proactive steps to invite comment upon them. It is possible for users of the council's website to set up a "saved search" for any applications on a property and to receive email alerts whenever any application made under planning legislation is made to the council, regardless of whether or not the borough council is taking any proactive steps to publicise the application.
- 3.9 Community involvement in planning applications is of great benefit to all affected, including the applicants themselves, and is encouraged from an early pre-application discussion stage through to the final decision. Community involvement can allow the Development Management process to be carried out more efficiently by helping people who are most directly affected by the proposals to get involved at the outset and have a chance to influence the proposed development. This gives a 'sense of ownership' of new development, and is more likely to result in a development that is successful on the ground.

## Pre-Application planning advice

- 3.10 The borough council and the city council welcome and encourage applicants to seek pre-application advice for all types of planning application, prior to submitting an application. This pre-application advice stage is an important opportunity for officers of the councils to provide an initial view on a proposal, to identify any elements which may need amending and to identify information which should be submitted to support the application.
- 3.11 “Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community” - NPPF para. 188.
- 3.12 For all planning applications, the borough council and the city council can advise on what is required to support an application and how planning policies will be applied when considering the proposal. In some cases, both councils will also negotiate Planning Obligations (see Glossary) via S.106 agreements and undertakings. More significant applications will often require a series of pre-application meetings between the applicants (and/or their agents) and the borough council or the city council.

## Community involvement in preparing planning applications

- 3.13 In certain limited situations – where on shore wind development is proposed of more than 2 turbines, or where the hub height of a turbine exceeds 15 metres, the developer has to by statute carry out pre application consultation with the local community, and in submitting an application they have to explain how they have complied with the legislation, detail the responses received as a result of this consultation, and the account taken of these responses.
- 3.14 Where a development is likely to have significant impacts on local communities or where the site is particularly sensitive, the borough council and the city council will actively encourage applicants to undertake early consultation with that local community. It is however not compulsory.
- 3.15 Various methods of community involvement may be adopted by an applicant, including: direct notification, public meetings, exhibitions, websites, surveys, questionnaires, etc. The borough council does not maintain a specific list of local organisations for this purpose. However it can guide an applicant to contact a Town and/or Parish Council or Locality Action Partnership (see Glossary), as appropriate.
- 3.16 For the applicants, effective community involvement in preparing a planning application is an opportunity to explain proposals to that community and thereby reduce any misconceived objections; potentially it can help address some problems before the application is submitted; and prevent abortive work, ultimately reducing the time and cost in reaching the decision-stage. For the community, this is an opportunity to help shape proposals from an early stage, drawing on valuable local knowledge. As detailed above there are only a limited number of situations where it is mandatory to carry out pre-application consultation with the local community. These are explained in the Planning Practice Guidance, which states that “Pre-application engagement with the community is encouraged where it will add value to the process and the outcome.”<sup>3</sup>
- 3.17 Applicants should demonstrate how the community has been consulted, what comments have been received and how these have been taken into account in progressing the proposal. Applicants should produce their own ‘statement of community involvement’ or Consultation Statement to accompany the planning application. One local validation requirement that is currently applied by the borough council for applications for major development is that the developer submits with their application a ‘statement of community involvement’. Details of this and other local validation requirements can be obtained from the borough council’s website. The validation requirements refer back to this Statement of Community Involvement.

<sup>3</sup>Planning Practice Guidance (2014) Paragraph: 009 Reference ID:20-009-20140306

## **Role of Elected Members (Councillors) in pre-application discussions**

- 3.18 For more significant developments, generally proposals for ‘major development’, applicants may have the opportunity to present proposals to Elected Members (Councillors). At the borough council this is currently done at the council’s Strategic Planning Consultative Group (which comprises senior members of all political groups, together with the Chair and Vice Chairman of the council’s Planning Committee), whilst at the city council this will usually involve a presentation to Members of the Development Management Committee, followed by a question and answer session. The ‘Local Code of Conduct for Dealing with Planning Matters’ (October 2010) sets out the protocol for such scenarios.
- 3.19 Applicants may also wish to discuss proposals with the local ward Councillor(s). For information on how to contact Councillors, please visit: [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk) or [www.stoke.gov.uk](http://www.stoke.gov.uk).

## **The decision-making process**

- 3.20 In dealing with applications for planning permission the borough council and the city council have to have regard to the provisions of the development plan for the area, what are termed local finance considerations, and any other material considerations. Where regard is to be had to the provisions of the development plan, the decision the councils make should be in accordance with that plan unless material considerations indicate otherwise.
- 3.21 Councils have a statutory period within which to determine applications made under planning legislation. Unless this statutory period is extended by the applicant, they have the right once that period has passed to appeal against the council’s failure to determine the application. The statutory period for most applications is 8 weeks. However, in the case of applications for ‘major development’ it is 13 weeks, and in the case of applications requiring an Environmental Impact Assessment (see Glossary) it is 16 weeks. Appendix 3 explains what is meant by ‘major development’.

## **Consultation**

- 3.22 Once the borough council or the city council formally register a planning application, a period of consultation is undertaken during which views on the proposed development can be expressed. This formal consultation period will usually last for 21 days. There are different types of consultation; this Statement of Community Involvement is concerned only with the consultation with the public including consultation with neighbouring residents, and community groups. Other types of consultation include consultation with statutory consultees, consultation with non-statutory consultees, and consultations required by government direction. Non- statutory consultees will be engaged in line with the requirements of the Planning Practice Guidance, which requires that the councils should consider whether there are planning policy reasons to engage other consultees who - whilst not designated in law - are likely to have an interest in a proposed development.

## Public consultation:

### **What steps must the borough council and the city council take to involve members of the public on planning applications?**

- 3.23 As far as applications for planning permission are concerned the borough council and the city council are required by statute to undertake a formal period of public consultation, prior to deciding the application. Similar requirements exist for application for listed building consent, and some other types of applications.

### **Who is eligible to respond to a consultation?**

- 3.24 Anyone can respond to public consultation – they do not need to be directly notified of the application by either council. In addition to individuals who might be directly affected by a planning application, community groups and specific interest groups may wish to make representations on planning applications. The borough council and the city council invite comments both for and opposed to proposals, and upon conditions which they may attach should permission be granted.

### **What publicity will take place to let the public know that a planning application has been received?**

- 3.25 Within certain legislative requirements the borough council and the city council have discretion about how they inform the public about planning applications. Each council, within and in addition to these legislative requirements, has its own policies on what method of publicity is to be used in specific cases. The publicity methods can include press notices, site notices, and direct neighbour notification. The method/s used will depend upon the scale and type of application, with details set out within Appendices 6 and 7.
- 3.26 In both authority areas it is possible for users of either council's website to set up a "saved search" for any applications on a property or an area and to receive email alerts whenever any application made under planning legislation is made to either council with respect to that property or area.

### **What is the time period for making comments?**

- 3.27 The publicity given by the borough council and the city council will set out the time period within which comments are invited. This is normally 21 days from the date when the publicity was first given.
- 3.28 For both authorities whilst the application may be determined as soon as the time period has passed, it is current practice to take into account late representations received up to the point of determination of the application. However in the case of the borough council, with respect to items that are being considered by its Planning Committee, a guillotine or deadline is operated, after which any further representations received will not be reported to or considered by the Planning Committee. This is not the case within the city council and it is always best to submit representations within the time period indicated in the council's publicity.

### **Will receipt of my comments be acknowledged?**

- 3.29 In the case of the city council, you will be sent an acknowledgement of receipt of your representation and details of how the application will be determined. In the case of the borough council, no acknowledgement will be sent but as representations are displayed on the council's website you will be able to check that they have been received, provided you allow sufficient time for the representation to be uploaded.

### **If an application is amended after it has been submitted, will it be the subject of further consultation?**

- 3.30 It is up to the borough council and the city council to decide whether further publicity and public consultation is necessary. In deciding whether this is necessary the following may be relevant:
- Were objections or reservations raised in the original consultation stage substantial and, in view of the council, enough to justify further publicity?
  - Are the proposed changes significant?
  - Did earlier views cover the issues raised by the proposed changes?
  - Are the issues raised by the proposed changes likely to be of concern to parties not previously notified of the application?

3.31 Where the borough council or city council decide that re-publicity and re-consultation is necessary it is open to the respective council to set the time frame for responses, balancing the need for the public to be given time to consider the issue that is being re-consulted upon and respond, against the need for efficient decision making.

## Representations

3.32 Before making a decision, we will review all relevant planning policies, any comments received during the consultation and any other material considerations.

3.33 Representations on a planning application can only be taken into account if they relate to material planning considerations. Material planning considerations include the following:

- Overlooking and loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Previous planning decisions (including appeal decisions)
- Nature conservation
- Economic factors including job creation and New Homes Bonus

Please note that the above list is not exhaustive but provides examples of material planning considerations. It should also be noted that the weight given to any material considerations is determined on a case by case basis.

3.34 These do not include the following (note: this list is not exhaustive):

- the fact that development has already begun (people can carry out development at their own risk)
- the fact that an applicant has carried out unauthorised development in the past
- "trade objections" from potential competitors
- moral objections, for instance against betting shops as a matter of principle
- the belief that an application is submitted by an owner with the intention of selling on the property at an enhanced value
- the loss of an attractive private view (for instance when development is proposed at the rear of an objector's house)
- the fear that an objectors' house or property might be devalued
- the fact that an applicant does not own the land to which his application relates (this being capable of being overcome by agreement with the owner)
- the fact that an objector is a tenant of land where development is proposed (the owner of land can terminate the tenancy whether or not he carries out the development; and therefore any consequences are therefore unrelated to the development, except in the case of agricultural tenants where the grant of planning permission has special consequences)
- allegations that a proposal might affect private rights e.g. restrictive covenants; property maintenance; ownership and private rights of way disputes.



## Decisions

- 3.35 **Delegated decisions:** Around 90% of planning applications are decided by planning officers in both councils. Both the borough council and the city council have an 'Approved Scheme of Delegation' which gives certain officers powers to take decisions on behalf of the Council, under 'delegated powers'. In the case of the city council the Approved Scheme of Delegation can be viewed within the Council's Constitution. In the case of the borough council a link is provided to the agreed report which has led to the decision.
- 3.36 **Committee decisions:** Where a planning application is of a more significant scale, the application may be considered and decided by a committee, which is made up of elected Councillors. The committee at the city council is called the Development Management Committee, whilst at borough council the committee is called the Planning Committee.
- 3.37 In both authorities, the committee meetings are open to the public, unless the committee have expressly decided to exclude members of the public because it is likely that confidential information as defined in legislation is likely to be disclosed during the consideration of the item.
- 3.38 When a planning application is to be decided by committee, the officer will produce a report summarising details of the proposal, the key planning policies and issues, and comments made during the consultation period. The report will include a recommendation to either approve or refuse the application, and the reason for that recommendation. The report will be made publicly available at least 5 clear working days before the day of the committee meeting. Supplementary reports are also often published immediately prior to or at the committee meeting.
- 3.39 In the borough council, those who have made representations in writing concerning the application are advised at the date of the publication of the agenda of the meeting about how they can view the report that has been prepared on the application, how and by when they can request to address the Planning Committee and of the deadline for any further representations.
- 3.40 The city council only inform those who indicated in writing a wish to speak at any future planning committee of the committee date and the associated procedures.
- 3.41 At the committee meeting itself both the borough council and the city council permit public speaking subject to certain criteria being met. In the case of city council, members of the public and other interested parties are able to make a short presentation to the committee, to support, comment or oppose a planning application. It is normally held that only one person can address the committee for each case and so those wishing to speak are encouraged to discuss their opinions with others with a view to appointing a single spokesperson. The applicant also has the right to address the committee and Councillors may also ask questions of the speakers on both sides.
- 3.42 In the case of the borough council, only those who have either made a written representation or who have submitted the application, or persons who speak on their behalf, are permitted to address the committee. For each application only one supporter and one objector are allowed to address the committee. Councillors are not able to ask questions of the speakers. Details of the procedure and the dates for the committee meetings are available online: [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk) and [www.stoke.gov.uk](http://www.stoke.gov.uk), or by contacting either council's Committee Services departments.
- 3.43 Once an application has been decided, a copy of the planning decision notice will be sent to the applicant and will also be made available online by both councils. In the case of the city council, notification of the decision will be sent to all third parties who have made representations. In the case of the borough council the third parties will only be written to where there is a need to comply with legal requirements in this respect, but it will promptly make the decision available to view on its website, along with the reports that have been considered in the reaching of the decision.

## Enforcement

3.44 Insofar as the consideration of whether or not it is expedient to take enforcement action in the case of unauthorised development, the councils will consider comments that they receive from members of the public on the merits or otherwise of unauthorised developments. They will not however undertake any publicity expressly inviting comment upon such developments. In the event of any appeal being lodged against an Enforcement Notice (see Glossary) appropriate publicity as required by legislation, will be given to the lodging of the appeal, providing an opportunity for members of the public to write to the Planning Inspectorate and provide comments.

## Planning Aid

3.45 Planning Aid offers free, independent and professional planning advice on all planning issues, to people and communities who cannot afford to pay to hire a planning consultant. Planning Aid can help communities engage with the planning process and influence decisions that affect their local area.

3.46 For more information, please visit: [www.rtpi.org.uk/planning-aid/](http://www.rtpi.org.uk/planning-aid/)



## **Appendix 1: Joint Local Plan consultation bodies**

This appendix sets out the organisations who have been identified under the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. Specific Consultation Bodies:

### **Specific Consultees:**

#### Local Planning Authorities:

- Cheshire East Council
- Shropshire Council
- Stafford Borough Council
- Staffordshire County Council
- Staffordshire Moorlands District Council

#### Parish Councils within the Joint Local Plan area:

- Audley Rural Parish Council
- Betley, Balterley & Wrinehill Parish Council
- Chapel and Hill Chorlton Parish Council
- Keele Parish Council
- Kidsgrove Town Council
- Loggerheads Parish Council
- Madeley Parish Council
- Maer and Aston Parish Council
- Silverdale Parish Council
- Whitmore Parish Council

#### Adjoining Parish & Town Councils:

- Alsager Town Council
- Barthomley Parish Council
- Biddulph Town Council
- Brown Edge Parish Council
- Caverswall Parish Council
- Cheswardine Parish Council
- Church Lawton Parish Council
- Doddington and District Parish Council
- Draycott in the Moors Parish Council
- Eccleshall Parish Council
- Endon & Stanley Parish Council
- Forsbrook Parish Council
- Fulford Parish Council
- Hough & Chorlton Parish Council
- Market Drayton Town Council
- Norton in Hales Parish Council
- Odd Rode Parish Council
- Standon Parish Council
- Sutton Upon Tern Parish Council
- Swynnerton Parish Council
- Werrington Parish Council
- Weston & Basford Parish Council
- Woore Parish Council

#### Other Organisations:

- Staffordshire & Stoke-on-Trent Partnership
- NHS Trust
- Staffordshire Police and Staffordshire Police and Crime Commissioner
- Utility Companies
- Relevant Government Agencies & Departments (including those listed in the Regulations as “specific consultation bodies” the Coal Authority, the Environment Agency, Historic England, Network Rail Infrastructure Limited, the Highways England and Homes and Communities Agency)

### **General Consultees:**

- Voluntary bodies some or all of whose activities benefit any part of the local planning authority areas.
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority areas.
- Bodies which represent the interests of different religious groups in the local planning authority areas.
- Bodies which represent the interests of disabled persons in the local planning authority areas.
- Bodies which represent the interests of persons carrying on business in the local planning authority areas.

**Any person / group / organisation who is not listed in Appendix 1 who wishes to be notified of future consultation on planning policy documents should notify the relevant council or councils in order that their information is added to the consultation database to be informed of future consultation. If their contact details change it is the responsibility of the person/ group / organization/ agent who has expressed an interest in being kept informed to notify the relevant council.**

## Appendix 2:

### Types of applications made under planning legislation to Local Planning Authorities

Types of Application	
<b>Full</b>	An application where full details are submitted at the outset, sometimes called a detailed application
<b>Outline</b>	An application for planning permission for the erection of a building where details are not given for at least one of the reserved matters as defined below. Reserved matters means any of the following (a) access (b) appearance (c) landscaping (d) layout, and (e) scale Each of the above terms are themselves defined in legislation
<b>Reserved matters</b>	An application for the approval of a reserved matter of a previously granted outline planning permission
<b>Variation of conditions</b>	An application to undertake development without complying with conditions subject to which a previous planning permission has been granted
<b>Retrospective</b>	An application for permission for development that has already been carried out
<b>Approval of details required by conditions of a condition of a planning permission</b>	An application for approval of details required by conditions of a planning permission, other than a condition referring to the reserved matter of an outline planning permission
<b>Non Material Amendment</b>	An application to the Planning Authority to change the terms of a planning permission if they are satisfied that the change is not material
<b>Extension of time application</b>	An application to extend the period of time within which in the case of a planning permission it can commence, and in the case of an outline planning permission either the period of time within which any application for approval of its reserved matters must be made or the period of time within which the development can be commence
<b>Prior approval</b>	An application for a determination by the Authority as to whether its approval is required of certain details, as required by various Parts and Classes of the General Permitted Development Order, and if it is required whether that approval is to be given
<b>Modification or discharge of a planning obligation</b>	An application to vary or discharge a previously entered into planning obligation. A planning obligation can restrict development, can require specific operations to be carried out, can require land to be used in a specific way or require the payment of money to the planning authority
<b>Modification or discharge of affordable housing requirements</b>	An application to vary, replace, remove or discharge an affordable housing requirement within a previously entered into planning obligation.

<b>Types of Application</b>	
<b>Lawfulness of existing use or development</b>	An application for a certificate that an existing use or development was at the date of the application lawful in planning terms
<b>Lawfulness of proposed use or development</b>	An application for a certificate that a proposed use or development would have been, at the date of the application, lawful in planning terms
<b>Works to protected trees</b>	An application for works to trees which are the subject of a Tree Preservation Order
<b>Work to Trees in a Conservation Area</b>	Notice to the authority of proposed works to trees in a Conservation Area that are not the subject of a Tree Preservation Order
<b>Advertisement</b>	An application for express consent to display an advertisement
<b>Listed building</b>	An application for consent under Listed Building legislation
<b>Approval of details required by conditions of a Listed Building Consent</b>	An application for approval of details required by conditions of a previously granted Listed Building Consent
<b>Lawfulness of works to a Listed building</b>	An application for a certificate that works to a listed building do not require Listed building consent, or are already consented
<b>Hazardous Substances Consent</b>	An application to the authority for approval of the storage and keeping of hazardous substances
<b>Householder</b>	An application for (a) planning permission for the development of an existing dwellinghouse or development within the curtilage of that dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse (b) any consent, agreement or approval required by a planning permission, or development order in relation to such development



## Appendix 3: Development Types

Types of Development	
<b>Major development</b>	<ul style="list-style-type: none"> <li>Residential: 10+ dwellings / Site area of over 0.5 Hectare</li> <li>Non-Residential: floorspace of 1,000+ m<sup>2</sup> / site area of over 1 Hectare (includes: office, industrial, retail)</li> </ul> <p>The period after which an applicant can appeal against any failure to determine the application, unless they agree to extend that period, is 13 weeks</p>
<b>Minor development</b>	<ul style="list-style-type: none"> <li>Residential: 1-9 dwellings / under 0.5 Hectare</li> <li>Non-Residential: floorspace of up to 999 m<sup>2</sup> / site area under 1 Hectare (includes: office, industrial, retail)</li> </ul> <p>The period after which an applicant can appeal against any failure to determine the application, unless they agree to extend that period, is 8 weeks</p>
<b>Other development</b>	<p>Changes of use, advertisements, telecommunications, TPO's, Lawful Development Certificates, etc.</p> <p>The period after which an applicant can appeal against any failure to determine the application, unless they agree to extend that period, is 8 weeks.</p>

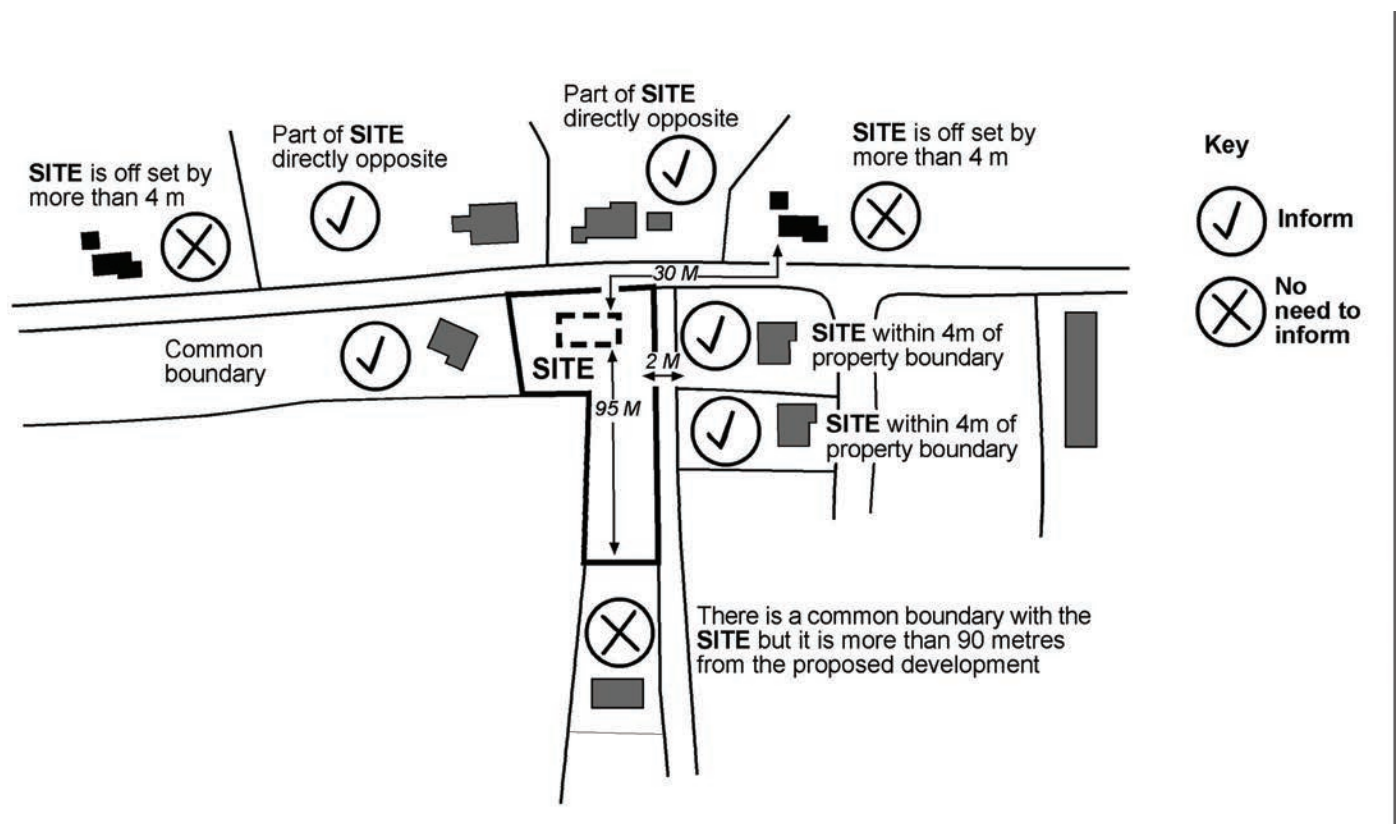
## Appendix 4: Identification of adjoining land whose owners/occupiers are to be notified of an application

### Which neighbours are to be notified?

Notifications are to be sent to:

- The occupiers/ owners of any land or buildings which share, or lie within 4 m of, a boundary of the application site (normally the area outlined in red) (ignoring any road 20 m or less in width when measuring the 4 m)
- No notification is required where a road wider than 20 m separates adjoining land from the application site
- No notification is required where there is at least 90 m between the application site and the boundary with adjoining land.
- Where a site is isolated and there are no neighbours that can be identified, a site notice will be displayed

The diagram below provides further guidance



**Appendix 5:  
Pre-Application consultation**

The following table sets out the methods to be applied where pre-application consultation is a compulsory requirement upon the developer.

Type of Application:	Method of consultation to be applied:					
	Direct Mailing	Press and other Media releases	Press Notice	Site Notice	Exhibition	Public Meeting
Applications for planning permission for Wind farms (more than 2 turbines) and turbines of a hub height of more than 15 metres	✓	◇	◇	◇	◇	◇

**Key for all tables in appendices 5 to 7:**

Method will be appropriate



Method will not be appropriate



Method will sometimes be applied



**Appendix 6:  
Publicity for planning applications made under planning legislation**

Methods of publicity to be used by Newcastle-under-Lyme Borough Council										
Planning application for	During application process					Following decision				
	Publication on the council website	Making hard copy of application documents available for inspection	Press notice	Site notice	Neighbour notification letter	Notification to previous interested third parties on similar applications within 12 months	Publication on council website	Press notice	Direct notice to affected owners or agricultural tenants of applications site <sup>20</sup>	
Major Development	✓	✓	✓	✓	X	✓	✓	X	✓	
Residential development up to 9 dwellings, or where number of units is not known up to 0.4ha	✓	X	X	X	✓	✓	✓	X	✓	
Householder development	✓	X	X	X	✓	✓	✓	X	✓	
All other applications for planning permission	✓	X	X	✓	✓	✓	✓	X	✓	
Development that does not accord with the development plan	✓	◇	✓	✓	◇	✓	✓	X	✓	
EIA Development	✓	◇	✓	✓	X	✓	✓	✓	✓	
Development that affects a public right of way	✓	◇	✓	✓	◇	✓	✓	X	✓	
Development affecting the character or appearance of a Conservation Area (sn 73 of LBA)	✓	◇	✓	✓	◇	✓	✓	X	✓	
Development affecting the setting of a Listed Building (sn 67 if the LBA)	✓	◇	✓	✓	◇	✓	✓	X	✓	

<sup>20</sup>Only where the owner or tenant has requested this and/or made an comment or objection to the application

**Methods of publicity to be used by Stoke-on-Trent City Council**

	During application process								Following decision			
	Publication on the council website	Making hard copy of application documents available for inspection	Press notice	Site notice	Neighbour notification letter	Notification to previous interested third parties on similar applications within 12 months	Publication on council website	Press notice	Direct notice to affected owners or tenants of applications site <sup>21</sup>	Direct notice to other interested parties		
Planning application for												
Major Development	✓	◇	✓	✓	✓	✓	✓	X	✓	✓		
Residential development up to 9 dwellings, or where number of units is not known up to 0.4ha	✓	◇	X	✓	✓	✓	✓	X	✓	✓		
Householder development	✓	◇	X	X	✓	✓	✓	X	✓	✓		
All other applications for planning permission	✓	◇	X	✓	✓	✓	✓	X	✓	✓		
Development that does not accord with the development plan	✓	◇	✓	✓	✓	✓	✓	X	✓	✓		
EIA Development	✓	◇	✓	✓	✓	✓	✓	✓	✓	✓		
Development that affects a public right of way	✓	◇	✓	✓	✓	✓	✓	X	✓	✓		
Development affecting the character or appearance of a Conservation Area (sn 73 of LBA)	✓	◇	✓	✓	✓	✓	✓	X	✓	✓		
Development affecting the setting of a Listed Building (sn 67 if the LBA)	✓	◇	✓	✓	✓	✓	✓	X	✓	✓		

<sup>21</sup>Only where the owner or tenant has requested this and/or made an comment or objection to the application



**Appendix 7:  
Publicity for other types of applications made under planning legislation**

Methods of publicity to be used by Newcastle-under-Lyme Borough Council														
Application type	During application process							Following decision						
	Publication on the council website	Making hard copy of application documents available for inspection	Press notice	Site notice	Neighbour notification letter	Notification to previous interested third parties on similar applications within 12 months	Notification to owner of tree to which works are to be done	Publication on council website	Press notice	Direct notice to affected owners or agricultural tenants of applications site <sup>22</sup>	Direct notice to other interested parties			
Approval of details required by conditions of a condition of a planning permission	✓	X	X	X	X	✓	X	✓	X	✓	X			
Non Material Amendment	✓	X	X	X	X	✓	X	✓	X	X	X			
Extension of time application	✓	◇	◇	◇	◇	✓	X	✓	X	✓	X			
Prior Approval	✓	X	X	X	✓	✓	X	✓	X	X	X			
Modification or discharge of a planning obligation	✓	◇	◇	X	X	✓	X	✓	X	X	X			
Modification or discharge of affordable housing requirements	✓	◇	◇	X	X	✓	X	✓	X	X	X			
Lawfulness of existing use or development	✓	X	X	X	X	✓	X	✓	X	X	X			
Lawfulness of proposed use or development	✓	X	X	X	X	✓	X	✓	X	X	X			
Works to Protected Trees	✓	X	X	X	X	X	✓	✓	X	✓	X			
Work to Trees in a Conservation Area	✓	X	X	X	X	X	✓	✓	X	✓	X			
Advertisement	✓	X	X	X	X	✓	X	✓	X	X	X			
Listed Building	✓	X	✓	✓	◇	✓	X	✓	X	✓	X			
Approval of details required by conditions of a Listed Building consent	✓	X	X	X	X	✓	X	✓	X	X	X			
Lawfulness of works to a Listed building	✓	X	X	X	X	✓	X	✓	X	X	X			
Hazardous Substances Consent	✓	X	X	X	X	X	X	✓	X	✓	X			

<sup>22</sup>Only where the owner or tenant has requested this and/or made an comment or objection to the application

Methods of publicity to be used by Stoke-on-Trent City Council												
Application type	During application process						Following decision					
	Publication on the council website	Making hard copy of application documents available for inspection	Press notice	Site notice	Neighbour notification letter	Notification to previous interested third parties on similar applications within 12 months	Notification to owner of tree to which works are to be done	Publication on council website	Press notice	Direct notice to affected owners or agricultural tenants of applications site <sup>23</sup>	Direct notice to other interested parties	
Approval of details required by conditions of a condition of a planning permission	✓	◇	X	X	X	X	X	✓	X	✓	✓	
Non Material Amendment	✓	◇	X	X	X	X	X	✓	X	✓	✓	
Extension of time application	✓	◇	◇	◇	◇	✓	X	✓	X	✓	✓	
Prior Approval	✓	◇	X	X	✓	✓	X	✓	X	✓	✓	
Modification of a planning obligation	✓	◇	◇	◇	◇	◇	X	✓	X	✓	✓	
Discharge of a planning obligation	✓	◇	X	X	X	X	X	X	X	✓	✓	
Lawfulness of existing use or development	✓	◇	X	X	X	X	X	✓	X	✓	✓	
Lawfulness of proposed use or development	✓	◇	X	X	X	X	X	✓	X	✓	✓	
Works to Protected Trees	✓	◇	X	◇	◇	X	X	✓	X	✓	✓	
Work to Trees in a Conservation Area	✓	◇	X	X	X	X	X	✓	X	✓	✓	
Advertisement	✓	◇	X	X	X	✓	X	✓	X	✓	✓	
Listed Building	✓	◇	✓	✓	◇	✓	X	✓	X	✓	✓	
Approval of details required by conditions of a Listed Building consent	✓	◇	X	X	X	X	X	✓	X	✓	✓	
Lawfulness of works to a Listed building	✓	◇	X	X	X	✓	X	✓	X	X	X	
Hazardous Substances Consent	✓	◇	X	✓	X	X	X	✓	X	X	X	

<sup>23</sup>Only where the owner or tenant has requested this and/or made an comment or objection to the application

## Appendix 8: Glossary

**Adoption Statement:** A statement prepared when a local planning authority adopts a local plan, detailing the date at which a Local Plan has been adopted, any modifications made to the Local Plan and the grounds and time period within which aggrieved parties can apply to the High Court regarding the plan.

**Authority Monitoring Report:** A report produced annually detailing local planning authorities' progress in producing planning policies and the effectiveness of those policies.

**Business forums:** A group of businesses, investors, developers and other commercial organisations which has been formally designated as a body that can produce a neighbourhood plan for an area.

**Consultation Statement:** A statement produced describing how consultation has been undertaken and taken into account in preparing a planning scheme or policy document.

**Development management (decision-taking):** A function of the respective councils which considers and decides submitted planning applications against relevant planning policy and any other material considerations.

**Development Plan:** 'Development Plan Documents' (DPDs) detail planning strategies and policies for the future development of the local area, drawn up by the local planning authority in consultation with the community. Also referred to as 'Local Plans'.

**Duty to cooperate:** This is a legal requirement introduced by the Localism Act 2011. It requires that public bodies should engage constructively, actively and on an ongoing basis on strategic planning issues that cross administrative boundaries.

**Enforcement Notice:** A notice issued at the discretion of the local planning authority where a breach of planning control has occurred. The notice will contain information as to what the breach of planning control is and what steps will be required to correct this.

**Environmental Impact Assessment:** An assessment that establishes any likely significant effects a proposal is likely to have on the environment, so that these can be fully taken into account in the decision-making process. The types of development which require assessment are described in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

**Evidence base:** Evidential studies designed to support the preparation of the Local Plan and ensure that it is based on up-to-date relevant evidence about the economic, social and environmental characteristics and prospects of the area.

**Equality Act 2010:** The Equality Act 2010 protects people from discrimination and replaces previous anti-discrimination laws with a single Act. The Act identifies a number of characteristics which are protected characteristics these are as follows; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**General consultee:** General categories of interest groups that by law the local planning authority is required to consult with under the Town and Country Planning (Local Planning) (England) Regulations 2012.

**Independent Examination:** Before it can be adopted, a Local Plan must be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with legal and procedural requirements, and whether it is considered 'sound'. To be 'sound' a document must be positively prepared, justified, effective and consistent with national policy.

**'Hard to Reach' Groups:** Groups that may traditionally be under represented in consultation exercises, such as young people, minority groups, those with disabilities, those living in rural areas and the local business community.

**Local Development Scheme:** The Local Development Scheme sets out the Council's timetable for the production and review of planning documents that form the Local Development Framework.

**Local Development Framework:** The collection of local Development Plan Documents and Supplementary Planning Documents adopted by a local planning authority.

**Local Plan:** A Joint Local Plan is being prepared by the city council and borough council to guide future development across the two local authority areas. This planning policy document will detail the planning strategies and policies which Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council will use to manage future development.

**Local Planning Authority:** The public authority whose duty it is to carry out specific planning functions for a particular area, such as creating planning policies or deciding planning applications. Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council are the local planning authorities for their respective areas.

**Locality Action Partnership:** Applies to Newcastle-under-Lyme only. Bodies that bring together elected members, residents, mainstream services (such as Police) and key local stakeholders (such as housing associations). These partnerships act as a mechanism to allow residents to set their own priorities for action in their neighbourhoods.

**Material consideration:** A material consideration is a matter that should be taken into account in deciding a planning application or an appeal against a planning decision. Examples of material considerations include representations made by the public, comments made by statutory and non-statutory consultees, draft plans, design issues and development impacts. Some material considerations may be more significant than others.

**National Planning Policy Framework (NPPF):** The Government's planning policies for England, which provide a policy framework that sets the parameters in which Local Plans and Neighbourhood Plans can be prepared.

**National Planning Practice Guidance (NPPG):** The Government's more detailed online guidance on national planning policies, which adds detail to the NPPF.

**Neighbourhood Plans:** Planning policy documents which can be developed by local communities, such as neighbourhood/business forums or parish and town councils. Neighbourhood Plans must support the strategic development needs of a Local Plan and can plan positively to shape and direct local development that is outside of the strategic elements of the Local Plan.

**Parish and town councils:** Elected local authority bodies responsible for civil parishes. Parish and town councils have the ability to be designated as bodies to produce Neighbourhood Plans for their local areas.

**Planning Inspectorate:** A national body which acts on behalf of the Secretary of State. The Planning Inspectorate deals with appeals on planning applications, as well as independently examining any local plans a local authority wants to adopt as planning policy.

**Planning obligations:** Legally binding agreements between local planning authorities and applicants for planning permission. These agreements are used to ensure developments provide schemes and infrastructure to mitigate any unacceptable impacts they might have on an area. This often includes measures such as affordable housing or open spaces to be provided as part of a development.

**Planning policy (plan-making):** A function of the respective councils that produces policies to guide planning decisions on local development.

**Public venues:** venues used for making reference copies of planning policy documents and response forms available, e.g. council offices, libraries, customer contact centres at the Guild Hall, Madeley and Kidsgrove.

**Section 106 (S.106):** A mechanism for securing planning obligations.

**Sound:** A Local Plan is considered "sound" where it meets the tests of soundness set out in paragraph 182 of the National Planning Policy Framework. These require that a plan is positively prepared, justified, effective and consistent with national policy.

**Specific consultee:** Organisations named in the Town and Country Planning (Local Planning) (England) Regulations 2012 that the local planning authority is required to consult.

**Statement of Community Involvement:** A document adopted by a local planning authority which describes how the public, business and interest groups within a local authority area can get involved in plan-making and the decision-taking.

**Supplementary Planning Documents:** documents which add further detail to policies contained within Development Plan Documents. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design.

**Sustainability appraisal:** An assessment of the impacts of policies and proposals on economic, social and environmental issues, i.e. 'sustainable development'.

**Sustainable development:** Development which contributes to meeting the long term economic and social needs of the community, whilst balancing this against the need to avoid creating an unacceptable long term impact on the environment.

For further information on this document or to obtain it in other formats, please contact one of the councils at:

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