

The County Durham Plan

Statement of Community Involvement

A code of practice for involvement in planning (July 2012)



Durham
County Council



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The Purpose of this document

1.1 In light of recent reforms to the planning process through the enactment of the Localism Act (2011) and publication of the National Planning Policy Framework (NPPF) the Council has undertaken a review of its existing Statement of Community Involvement (SCI). This revised Statement sets out the Council's intentions to work with people when carrying out its planning functions within this new context. We continue to aim to work with our communities and other interested third parties to deliver sustainable development within the County - in the right place and at the right time.

1.2 This document sets out the Council's engagement strategy for preparing the County Durham Plan and determining planning applications. It also sets out our advice on how Town and Parish Councils should seek to involve local people and groups in the preparation of Neighbourhood Plans.

1.3 We recognise that there are a variety of interest groups and individuals in the County. The Council is committed to involving as many people as possible in preparing plans and determining planning applications. We are, however, aware that there are parts of the community that are under-represented in the planning process and we are keen to ensure that, through this review, we make it easier for all individuals to become involved, regardless of their circumstances.

1.4 The Council will facilitate participation in identifying the key issues affecting communities and debating how we can improve our neighbourhoods. By involving communities from the start they can help to make a difference and, crucially, feel a sense of ownership of local policy decisions.

This engagement strategy is based upon the following principles:

- Telling communities and other interested third parties about emerging policies and proposals in good time;
- Enabling communities to put forward ideas and suggestions and participate in developing proposals and options;
- Consulting on proposals;
- Ensuring that consultation takes place in accessible locations and at appropriate times; and
- Providing and seeking feedback.

The Planning Process and its relevance to you

1.5 Planning is one of the Council's main statutory functions. It is a process which both controls and guides new development and the use of land and buildings in County Durham. The planning process helps to shape our neighbourhoods and influence many of our everyday decisions, such as how we get to work and where we do our shopping. The planning process aims to make places more attractive, safe and prosperous.

1.6 As the Local Planning Authority for County Durham, we are required to prepare and maintain a planning framework to set out what new development is needed and where it should go. Our current local planning policies are set out in a series of plans (known as Local Plans) that relate to the geographical areas of the eight former Local Authorities that made up the County prior to 1st April 2009. These plans contain policies relating to topics such as housing, business, retail, leisure and recreation, community facilities, natural environment and minerals and sustainable resources.

1.7 We are preparing the County Durham Plan (CDP) which will replace the former Local Plans. The CDP will set out the spatial strategy for developing the County up to 2030. It will include specific land allocations that will help to direct where new housing, retail and business development will be located. The plan will set out guidance relating to mineral extraction and waste. It will also contain policies that will help to determine planning applications.

1.8 The County Durham Plan will be supported by some additional plan documents (known as Development Plan Documents (DPD) and Supplementary Planning Documents (SPD)) which will set out guidance on matters such as Gypsy and Traveller accommodation and achieving high quality and sustainable new developments. How these documents all fit together and when they will be produced is described in our adopted project plan, the County Durham Local Development Scheme⁽ⁱ⁾

Corporate Approach to Community Involvement

1.9 This document is a fundamental part of the Council's corporate approach to community engagement, setting standards for the Planning Service. The SCI has direct links with the Council's Corporate Communications Strategy, the Corporate Community Engagement and Consultation Strategy and its Area Action Partnerships. We will maintain an accessible and accountable approach to community participation through the implementation of the strategy set out in this document.

Sustainable Community Strategy

1.10 The Local Government Act 2000 places a duty on local authorities to set up Local Strategic Partnerships (bringing together public, private and voluntary sector organisations and community groups) to prepare Sustainable Community Strategies. The role of Sustainable Community Strategies is to promote or improve the economic, social and environmental well-being of their areas.

1.11 The County Durham Sustainable Community Strategy (2010-2030) 'Altogether Better Durham' sets out the long term vision for the future of County Durham⁽ⁱⁱ⁾. We will have regard to the relevant issues raised in the Sustainable Community Strategy when preparing the County Durham Plan.

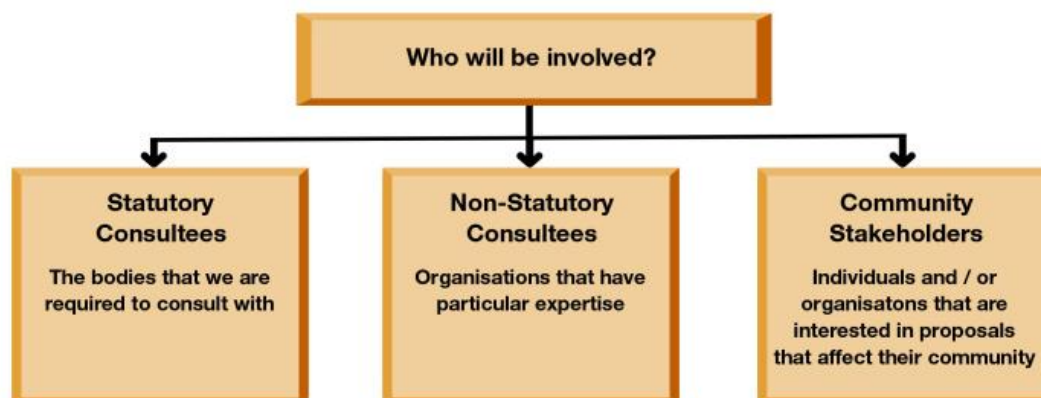
i A copy of the adopted Local Development Scheme is available to view at <http://www.durham.gov.uk/cdp>. Hard copies are also available upon request.

ii The Sustainable Community Strategy is available to download from the County Durham Partnership website: www.countydurhampartnership.co.uk

Who can be involved?

1.12 We are committed to actively involving people in the planning process. Government guidance and planning regulations provide advice on a range of bodies that we need to consult in preparing the County Durham Plan and in considering planning applications. The Statement of Community Involvement has been tailored to meet the specific needs and characteristics of the County and help engage all groups and individuals that are interested in planning for their area.⁽ⁱⁱⁱ⁾ While we will aim to involve as many people as possible, we will specifically consult the following groups:

Figure 1 Who will be involved



1.13 In undertaking its statutory duties the County Council will also meet the requirements of the Race Relations (Amendment) Act 2000 and the Disabilities Discrimination Act 1995. This Statement of Community Involvement has also been the subject of an Equality Impact Assessment by the Council.

1.14 The Council will promote equality and diversity, and not discriminate against anyone who wishes to participate in the planning system.

Resources and Management of the process

1.15 The Council's Spatial Policy Team will be responsible for producing the County Durham Plan. Our Development Management Team deal with planning applications and enforcement matters. Staff from within the Regeneration & Economic Development department, as well as from other Council departments such as the Partnerships and Engagement Service (Area Action Partnerships and Community Development), will assist as required. Consultant professionals will occasionally assist Council Officers where necessary. We will endeavour to coordinate consultation activities to ensure the efficient use of resources.

1.16 The results of community involvement and resulting key planning decisions will usually be considered and approved by the Council's Cabinet. Each individual consultation exercise will be tailored to ensure effective consultation in light of available staff and financial resources at that time.

iii Appendix A "Who are the consultees?" details the range of consultees who will be involved in the preparation of the County Durham Plan.

Review of the Statement of Community Involvement

1.17 We will actively monitor the success of our community involvement techniques and use these findings to refine our methods as appropriate. Community involvement will be measured by assessing:

- How successfully the community and other stakeholders are able to find and comment on information regarding the documents that make up the County Durham Plan;
- The level of actual involvement of 'hard to reach' groups;
- Respondents' satisfaction in how they have been consulted on planning applications; and
- Respondents' satisfaction with the Council's overall consultation standards.

1.18 If it is required, we will review the Statement of Community Involvement. However, any review of the SCI will only be undertaken if this course of action proves to be necessary.

Further information on the Planning System

1.19 Further information may be obtained through the Planning Portal at <http://www.planningportal.gov.uk>. This facility explains how the planning system works in a clear and concise way.

1.20 Further advice is available from Planning Aid which is an independent voluntary service offering free, independent and professional planning advice to community groups and individuals who cannot afford to employ a planning consultant. It aims to give people the confidence to deal with the planning system and to become involved in wider planning issues. Planning Aid is not part of the Local Planning Authority, it is a separate service that complements the advice given by Local Planning Authorities. Contact details are as follows:

Planning Aid Adviceline:

Tel: 0330 123 9244

Email: advice@planningaid.rtpi.org.uk

Introduction

2.1 The County Durham Plan will comprise of several related Development Plan Documents (DPDs) which contain planning policies and related Supplementary Planning Documents (SPDs) which provide further guidance upon the implementation of policies. These will be the 'statutory development plan' for County Durham and will set out the strategic policies to guide where new development is located and to plan for change in County Durham over the next 20 years. Once adopted it will provide the local policies upon which planning applications will be determined.

Access to Information

2.2 We will make information about the drafting of documents available to the community through a number of methods:

- On the Council's website <http://www.durham.gov.uk/cdp> and the County Durham Plan consultation pages <http://durhamcc-consult.limehouse.co.uk/portal/planning/>;
- Copies of all documents will be available at Council Customer Access Points^(iv) (main Council Offices) and at Council-operated local libraries and mobile libraries;
- The Spatial Policy Team will offer advice and assistance over the telephone, and in letters or e-mails;
- Upon request, we can make the information available in Braille, large print, translated into another language, or put on to audio cassette;
- Upon request, we will send information by post; and
- We will ensure that venues chosen for events are accessible and seek where possible to ensure that events are held at times which maximise the ability for people to find out the information they need and ask the questions they wish to ask.

Political Involvement

2.3 The County Durham Plan, related Development Plan Documents and Supplementary Planning Documents form part of the Council's policy framework and it is important that this process is led by the Council's Cabinet. Full Council approval is required for the final adoption of these planning policy documents. However, it is equally important that all Council Members have an opportunity to influence emerging documents. A small Member Steering Group of relevant Cabinet Portfolio holders and Support Members oversee the preparation of the County Durham Plan, while a wider Members Advisory Group consider specific issues. The overview and Scrutiny Panel and Central and Area Planning Committees will also have the opportunity to comment at draft stages.

iv The Location of the Durham County Council Customer Access Points is set out in Appendix [B "Consultation Methods"](#)

Town and Parish Councils and Parish Meetings

2.4 Town and Parish Councils and Parish Meetings will be kept informed of plan-making progress, as well as opportunities for contributing to the plan and arrangements for local public participation. Planning Officers will engage with these groups on a regular basis to discuss emerging planning issues and seek their views as to how they would like them to be addressed in the County Durham Plan.

2.5 We will also consult Town and Parish Councils which fall beyond the county but where development or new policies are proposed that are likely to affect land at or near the relevant common boundary.

Area Action Partnerships

2.6 The County has been divided into fourteen geographical areas, each of which has an Area Action Partnership (AAP). These AAPs are a vehicle to give local people a say in how the Council's services are provided. There is a commitment to engage with these Partnerships and seek their views on emerging policy documents.

Target Groups

2.7 The Council will target a wide variety of groups during consultations. Some of the key groups are:

- Community Organisations
- Residents' Associations
- Councillors
- Businesses
- Developers/Agents/Landowners
- Statutory bodies and groups
- Central, regional, and local government, including neighbouring authorities
- Interested bodies (for example the Royal Society for the Protection of Birds (RSPB))
- The Media

2.8 The Government has put specific emphasis on trying to involve 'hard to reach' or 'easy to overlook' groups in planning issues. Such groups tend to be least likely to be able to access council services because of:

- Physical inaccessibility i.e. less able bodied
- Language e.g. people whose first language is not English
- Cultural perceptions and traditions e.g. Travellers
- Social expectations e.g. Children and Young People

Consultation methods to be used during each stage of the production of the Local Development Documents

2.9 We recognise that there will be varying degrees to which you will wish to become involved in the plan making process. We also recognise that there are differing needs depending upon knowledge and experience of the planning system which will require a targeted and, at the same time, flexible approach to consultation. As such, in some instances it will be prudent for us to carry out additional targeted consultation with parties with detailed knowledge or expertise in a subject or area.

2.10 The table below outlines a 'menu' of consultation methods that we propose to use at each stage in the production of the County Durham Plan. It must be recognised that in the interests of securing meaningful engagement in an efficient manner (bearing in mind the resources that will be available to the Council) the consultation methods will be tailored to suit the individual circumstances of the document being prepared. Appendix B 'Consultation Methods' contains a detailed definition of each of the consultation methods.

Table 1 Consultation methods to be used during each stage of the Local Development Documents Preparation

	Council Website	Public Exhibitions	Community Forums	Briefing Workshops	Community Paper	Focus Group	Draft documents	Press Releases	E-mail	Master planning
General Public	😊	😊	😊	😊	😊	😊	😊	😊		😊
Hard to reach groups	😊	😊	😊	😊	😊	😊	😊	😊		😊
Councillors	😊	😊		😊			😊		😊	😊
Ward members	😊	😊		😊			😊		😊	😊
Town & Parish Councils	😊			😊			😊		😊	😊
Adjoining Town & Parish Council	😊						😊		😊	
AAPs (Area Action Partnerships)	😊	😊		😊		😊	😊		😊	😊
Businesses	😊	😊	😊			😊	😊		😊	
Developers / Landowners.	😊	😊		😊		😊	😊		😊	
Central, & local government	😊			😊			😊		😊	
Statutory bodies & groups	😊			😊			😊			
Interest groups (e.g. Residents Associations)	😊	😊		😊			😊			
Local community groups	😊	😊		😊			😊			

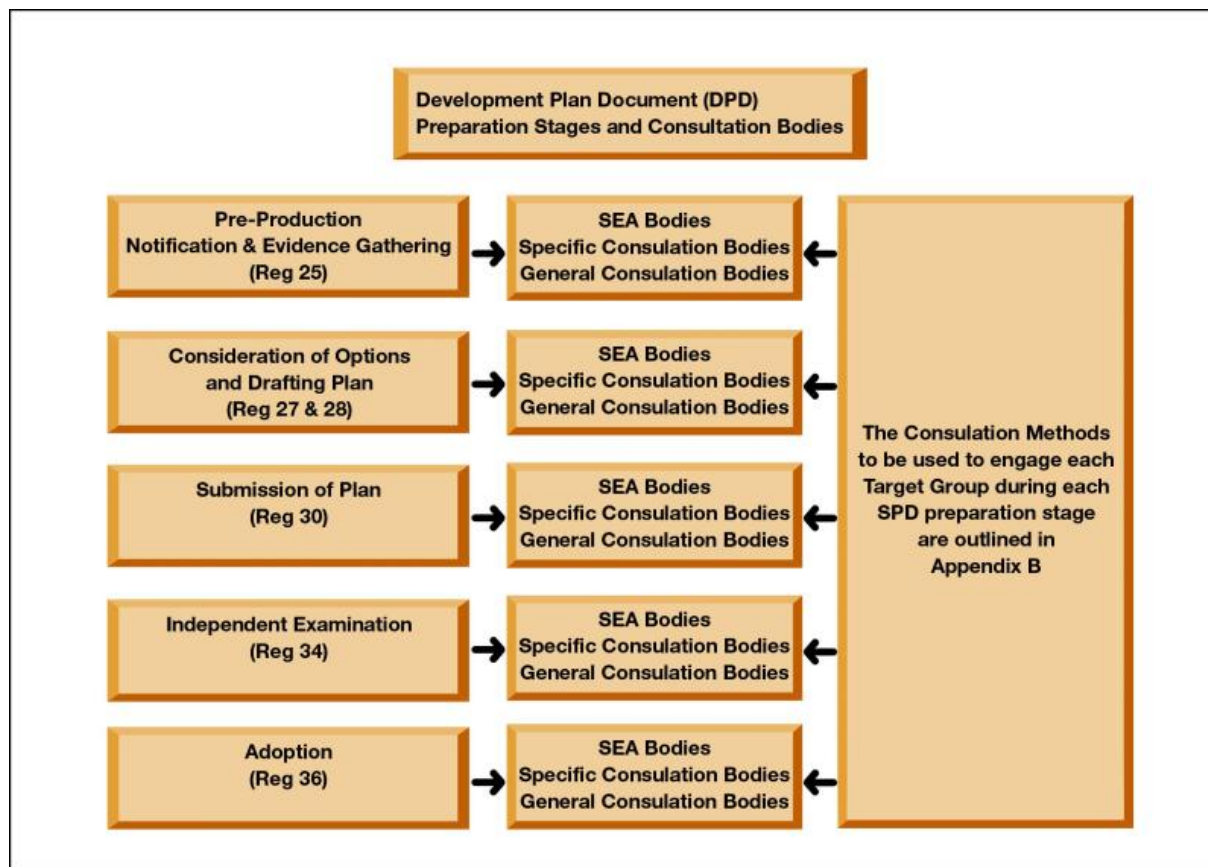
Opportunities for involvement of third parties

2.11 There is a need for us to ensure that we maintain informal discussion with the community and other interested third parties whenever we prepare Local Plan policies and/or guidance documents. We will adopt methods set out in Appendix B 'Consultation Methods' to ensure that such informal discussions are carried out in a manner which is appropriate to the subject matter and geography. The results of this will help to inform the next stages of plan preparation.

2.12 It is important to note that in relation to the preparation of the County Durham Plan and other related Development Plan Documents (DPDs) this type of discussion changes to more formal consultation over a 6 - 8 week period (as set out in the current project plan for the preparation of the County Durham Plan^(v)). Such formal consultations occur when we are ready to actually publish a document, at issues and options stage and then prior to formal submission for examination by the Planning Inspectorate. In respect to other Supplementary Planning Documents (SPDs) which relate to the County Durham Plan, as a minimum there will be at least one formal consultation over a 6 – 8 week period at draft document stage.

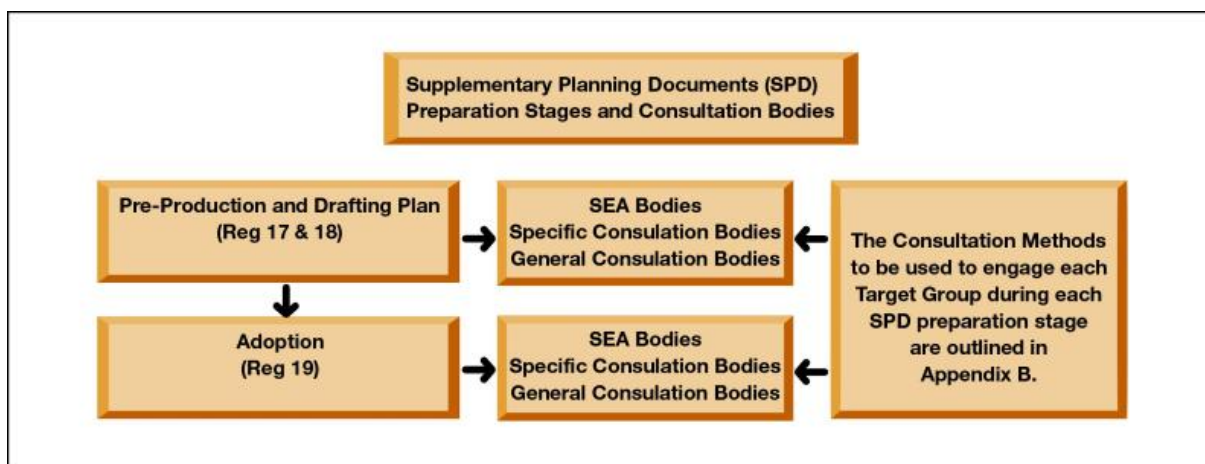
2.13 An indication of the informal discussion and formal consultation stages of plan making for both the County Durham Plan and related SPDs are illustrated below:

Figure 2 Local Plan and other related Development Plan Documents - An indication of the informal discussion and formal consultation stages in plan preparation



^v Current project plan available to view at <http://www.durham.gov.uk/cdp> - hard copies also available upon request

Figure 3 Supplementary Planning Documents - An indication of the informal discussion and formal consultation stages in plan preparation



How to make your views known

2.14 We are happy to receive your views - either by letter or email - at any stage of preparation of the County Durham Plan documents. However, during specific consultation periods we encourage you to send us your views and ideas online, via our interactive website, using our County Durham Plan consultation web pages <http://durhamcc-consult.limehouse.co.uk/portal/planning/> (also available at www.durham.gov.uk/cdp). We believe this method will save you time and it will allow us to process and consider your comments more quickly.

2.15 Once your comments have been submitted they will be checked and added to the interactive website where you will be able to see your comments as well as what other people have said. To protect your privacy, all personal information you provide when registering will not be open to public view.

2.16 You can also submit your views by email to: CDPconsultation@durham.gov.uk

2.17 Should you not have the opportunity to respond electronically you can write to us or submit your comments via a paper response form which will be made available for all consultations. Our contact details are set out at the end of this section.

Providing feedback to third parties

2.18 After the end of each consultation period we will process all of the representations we have received. Once processed, all representations will be able on the County Durham Plan Consultation web pages. The time scales for completing this will vary according to a number of factors including the level of responses received.

2.19 Once we have considered all of the representations we have received we will publish a document setting out our responses – this is known as the 'Statement of Consultation'. This document will be published on the County Council's website and the 'County Durham Plan' Consultation pages:
<http://durhamcc-consult.limehouse.co.uk/portal/planning/>. Again the time scales for completing this will vary according to a number of factors including the level and nature of responses received.

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

Monitoring and Evaluation

2.21 We will monitor the techniques set out in this document and set out the findings in our Annual Monitoring Report normally published at the beginning of the calendar year. We will use this information to refine our consultation techniques where necessary. The impact of this engagement strategy will be measured by assessing:

- How successfully the community and other stakeholders are able to find information on the County Durham Plan;
- The level of involvement of those who are least likely to be able to access services; and
- Respondents' satisfaction with the Council's overall consultation standards.

Further Information

2.22 For more information please contact:

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

Telephone: **03000 261 923** or **03000 261 908**
Email: CDPconsultation@durham.gov.uk
Council's website: <http://www.durham.gov.uk/cdp>

Introduction

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

- Determination by Council Members on the Planning Committee; and
- Determination by Development Management Officers - these applications are not referred to Planning Committee.

3.2 The Development Management approach adopted by the County Durham Planning Service seeks to ensure that the views of communities who have an interest in planning matters are fully considered before a decision is taken by the Council. In this respect the process is considered to be more engaging in comparison to the traditional Development Control service operated by many Authorities.

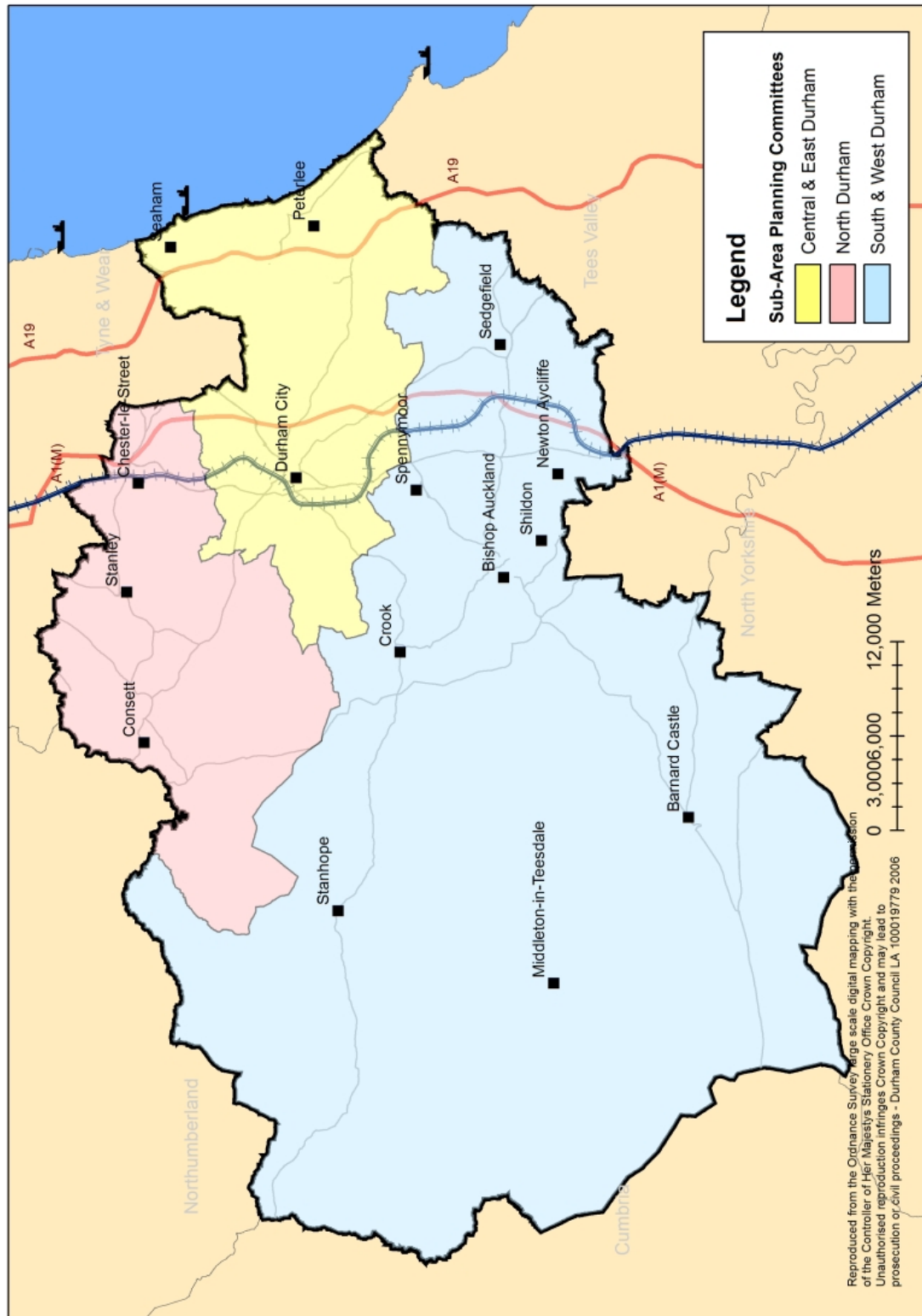
3.3 Planning applications that are determined by Officers are covered by the Scheme of Delegation that is included in the Council's Constitution. This can be found on the [Constitution of the Council](#) web page^(vi).

3.4 Where planning applications are determined by Planning Committee, there are four separate Committees that make decisions. There are three Area Committees and one Strategic Committee that determines major planning applications. Map 1 over leaf shows the administrative areas for the three Area Planning Committees.

3.5 The Development Management Service is committed to both informing and engaging with the wider community and individuals in relation to planning proposals. However, there needs to be a balance between making decisions in a timely and cost-effective way and providing the community with a reasonable opportunity to comment. Consultation involves not only the public but also statutory and non-statutory consultees. The breadth of consultees will vary with the nature of the proposal and location so not all bodies are consulted on each application. Statutory consultees generally have 21 days in which to respond to a consultation. As a result of the responses to these consultations, the case officer may have to contact the applicant to request more information or to seek amendments. If significant amendments are made to proposals a period of re-consultation is carried out.

vi The Council's Constitution can be downloaded from this webpage:
<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=6632>

Map 1 Sub area Planning Committee Areas in County Durham.



Approach to pre-application discussions

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

3.7 In August 2011 we introduced a fee for providing pre-application advice (excluding standard householder development enquiries). This fee was introduced to help make the savings required by our Medium Term Financial Plan as well as bringing the service in line with the majority of other North East authorities who presently charge for such advice. The charge is a single up front fee covering the total cost of the service. No additional hourly fees are required to be paid for any ongoing meetings. Details of the fees are available on the Councils web site or on enquiry to the Planning Development Team.

3.8 The timescales for the pre-application advice service depend on the nature of the enquiry. For straight forward enquiries, such as householder development proposals, the Authority aims to respond within 21 days. For more urgent householder enquiries a fast track service is available where for a fee of £50 a response will be provided within 5 working days.

3.9 For the more complex proposals for which a fee is payable, the response time is either 28 days for outline advice or 45 days for full advice.

3.10 In all cases the advice offered will not only confirm whether or not the proposal requires planning permission, but will also provide clear advice regarding the likely acceptability of a proposal and requirements to validate the subsequent planning application. The advice will also provide the customer with information about other potential requirements (such as Building Control approval).

3.11 In relation to major development schemes, the Council has adopted a Development Team Approach, which will involve a Planning Officer within the Development Management service acting as Project Manager for the enquiry. The Development Team Approach aims to provide the development industry with access to high quality one stop shop advice, covering all aspects of a major development scheme. Advice is provided throughout the lifetime of a project from pre-application conception, the formal planning application process and ensuing post approval issues.

3.12 When we provide pre-application advice for major or controversial development schemes it will often be requested that the developer undertakes community consultation on their draft proposals. This can help a community become involved in the shaping of development schemes proposed for their locality and will provide people with an opportunity to be more aware of large developments which may be proposed for their area. Often such consultation will involve the holding of exhibitions and in these circumstances Officers will suggest to developers a suitable locality in the proximity of the proposed development site for the event to be held. Officers will also provide the developer with a list of stakeholders active in the locality in order to ensure wide ranging consultation is undertaken to make as many people as possible aware of such events.

Involvement of the community when a planning application is first received

3.13 When an application is received, we aim to ensure the application is validated and all consultations are sent out within the first 5 days. This will include writing to those people directly affected by a proposal, and if considered necessary by posting a notice on site or publishing one in the local press. A period of 21 days is normally provided for a response to be made. County Councillors, Local Councils and other interested parties are also advised of the receipt of an application via the Council's weekly list service.

3.14 This weekly list can be found on the council's web site on its [weekly list of planning applications received](#) web page.

Involvement of the Community during the processing of a planning application

3.15 We are committed to carefully considering comments received in response to consultations carried out on applications. Case Officers will consider the need for potential amendments to schemes where they have been suggested. If significant material changes are made to applications, the community will be re-consulted and given a further 14 days in which to make any further comments.

3.16 For major or controversial applications, Officers will consider the hosting of a public exhibition to enable communities to better understand development proposals and how they may impact on them. If we decide to hold an exhibition details will either be included in the planning application neighbour notification letter or in a subsequent letter sent to occupiers in close proximity to the development site. The exhibition will also be advertised by way of a site notice close to the application site and in the local press if the proposals are of more than local importance.

3.17 The exhibition will be held in a location close to the application site. As far as possible the event will be held outside of normal office hours, or at a time suitable to local communities, in order to maximise the ability of people to attend.

Involvement of the Community when an application goes to Committee

3.18 We will ensure that any comments received in response to consultation (on material planning grounds) are brought to the attention of Members of the Planning Committee when they make a decision on the application. This will be by means of a separate section within the report to list the comments received. Officers will also ensure that such comments are appraised and their relevance to the determination to be made brought to the attention of the Committee. We operate a speaking at Committee procedure, further details of which can be found in Appendix D' Public Speaking at Committee'. As part of this facility, members of the public may use the Council's Information Technology equipment to display relevant photographs or images in the Council chamber to help them express their point of view.

Involvement of the Community after a decision is taken on a planning application

3.19 For particularly contentious applications, we will give consideration to requiring the developers to commit to taking part in a community liaison committee in the event of an application being approved. Such committees can be beneficial in providing a

community with an ongoing voice, following the grant of planning permission. They can also provide people with a route to enable any concerns about operational matters associated with a particular site to be considered.

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

3.20 In the event of an appeal being received by the Council, Officers will write to all individuals and organisations who were consulted, and who expressed an opinion, on the original application. With the exception of appeals which are heard through the householder fast track service this notification will allow people the opportunity to make additional comments direct to the Planning Inspectorate. For cases to be heard by way of hearing and public inquiry, Officers will also write to advise interested parties of the time and date of the appeal to invite them to come along to make their views known to the Inspector. All comments received from the community in response to the consultation carried out on the original application will also be sent to the Planning Inspectorate. This ensures that regardless of whether or not people chose to engage in the appeal process, their views will be made known and taken into account.

Approach to Community involvement in planning obligations

3.21 In cases where a 106 Agreement has been submitted as part of an application a copy of the Agreement will be available for inspection on the public register. A copy of any draft Agreement should also be put on the web site as part of the core documentation associated with the application.

3.22 When negotiating with developers on major developer proposals, Officers will consider what may be appropriate to secure from the development by way of planning obligation; to offset any increase in demand for community facilities likely to be generated by a development proposal. Officers will also ensure any community request for an obligation is considered as part of the overall consideration of a planning application. The issues to be addressed by an obligation will be considered in the report presented to Planning Committee. Similarly if Officers consider that an obligation is not justified, notwithstanding a community request for one to be entered into, the reasons for this view will be explained in the report.

3.23 We operate a Section 106 working group, to ensure that monies received from planning obligations are seamlessly recycled back into communities. When making decisions on what schemes monies will be committed to, the Group will take into account the stated view of the community. People looking to secure approval for the use of 106 monies will be expected to be able to demonstrate how their proposals fit with a community's vision, including any support from a Local Council or other locally based group.

Approach to community involvement on Planning Performance Agreements

3.24 Planning Performance Agreements (PPAs) are a project management tool that can be used on large scale or complex planning applications to set out a framework and approach for delivering good quality outcomes.

3.25 A Planning Performance Agreement will normally include agreeing the nature and timescales of pre-application engagement by the developer with a community along with any proposed community engagement as part of the planning application consultation process. Officers will ensure these areas of work are properly assessed when drafting up any such Agreement.

Specialist consultation procedures

3.26 The following applications are subject to different consultation procedures. They are as follows:

Lawful Development Certificates

3.27 There is no statutory requirement to consult on these types of application. However where the application is in relation to an existing use or operation and seeks confirmation that those uses/operations are immune from enforcement action by virtue of the time lapsed, we will consult in the normal manner. This will involve writing to people who may have local knowledge of the site and may be able to supply information pertinent to the claims made in the application and will provide 21 days for comment. The notification will explain the strict legal parameters within which these types of applications must be considered but it should be noted that the merits of the use/operation cannot be taken into consideration

Telecommunications Development

3.28 We recognise that telecommunications development (for the purpose of this document defined as development proposed by an organisation part of the Mobile Operators Association) often proves contentious within particular communities where the equipment is proposed to be sited.

3.29 Where the proposed development comprises the installation of a new pole or mast, or equipment in a location where it has not existed previously all neighbouring properties directly surrounding the application site and any college, school or nursery within a 200m radius of the proposed equipment will be sent a letter notifying them of the proposals.

3.30 For any other telecommunications development that requires formal application to the LPA, neighbouring properties directly surrounding the application site will be sent a notification.

Demolitions and Agricultural Prior Approval Development

3.31 There is no statutory requirement to consult on these types of applications. Given the nature of the prior approval procedure and the constricted timescales in which we have to comment on the proposals no public consultation is undertaken however we do still take into consideration all of the relevant planning issues.

Involvement of the Community on Enforcement Issues

3.32 All enforcement complaints will be registered and given a file reference number and dealt with by the Council's Enforcement Team. All cases will be dealt with in confidence. No public consultation is undertaken on enforcement cases.

3.33 Appendix C 'Planning Enforcement Protocol' acknowledges the key role that communities play in helping to ensure compliance with planning control throughout the County. Concerns which arise from a Local Council, community organisation, MP or a Divisional Member on behalf of a community will normally be investigated in a shorter timescale than if received through the normal route.

Further Information

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

3.35 The Council's Development Management Team has now reorganised to operate on the basis of three Area Teams (see Map 1) and a Countywide Strategic Team. The current contact details for the Council's Development Management Teams are on the Council website: <http://www.durham.gov.uk/planning>

Introduction

4.1 The Council encourages developers who intend to submit planning applications to undertake pre-application discussions with both ourselves and relevant stakeholders. Developers should undertake consultation with local communities as soon as possible in the design of their scheme. The Government's reforms of the planning system has now made this a mandatory requirement for certain developments (listed in para 4.5) under Section 122 of the Localism Act 2011. In addition the Localism Act states that the prospective developer must have regard to any advice that the local planning authority may have provided.

When should a developer start to consider Community Involvement?

4.2 Developers should engage with the Council's Development Management Team at an early stage through pre-application discussions. Planning Officers will discuss the need and scope of any required community engagement exercise with the prospective developer. This will ensure that the views of all stakeholders, including organisations such as English Heritage, English Nature, the Highways Agency and the Environment Agency are sought at an early stage to ensure their views are known. By maintaining good relations with interested parties (Local Councils, Councillors and amenity groups) Planning Officers will also be well placed to highlight obvious potential problems or opportunities relating to developments.

4.3 The Council will refuse to validate significant planning applications that are submitted without any pre-application consultation.

What are the benefits to the developer of a Community Involvement Exercise?

4.4 Developers should regard community involvement as an opportunity to explain and refine their proposals rather than a process which acts as a restraint on their intentions. People who live within an area need to know about proposals which may affect them. A genuine community involvement exercise can:

- Provide an ideal opportunity for the developer to fully explain their proposal to the public, therefore avoiding the formulation of unfavourable opinions based on inaccurate information;
- Potentially save the developer time in obtaining a decision on a planning application;
- Produce more certainty about the outcome;
- Create a more sustainable and acceptable development;
- Help to avoid appeals and call-in procedures; and
- Create a more transparent and accountable planning process.

What types of development would benefit from a Community Involvement Exercise?

4.5 The Government has prescribed the types of development which should be subject to a pre-application consultation exercise:

- Large scale industrial, commercial development, education, religious, or institutional buildings (over 1000m²);

- Large scale residential development (sites over 1.5ha or 45 dwellings (or 0.75 hectares in West Durham);
- Proposals for new minerals working and large scale waste schemes (for example incinerators and new or extended landfill sites);
- Major infrastructure projects such as roads, pipelines, or overhead power lines;
- Large scale renewable energy developments, for example wind turbines, that produce more than 1 megawatt;
- Telecommunication masts; and
- Significant or complex schemes that may be located within sensitive areas.

4.6 Planning application types including householder planning applications, lawful development certificates, prior notification developments, listed building and conservation area consent applications and Section 73 applications will not be subject to this requirement.

How should the results of Community Consultation be used?

4.7 The planning application should be accompanied by a **Consultation Statement** setting out the community engagement undertaken and including:

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

4.8 It is also recommended that the developers forward a copy of the consultation statement to the main organisations and groups involved in the consultation process and advise all respondents where a copy of the consultation statement can be examined. The developer should provide sufficient copies of the consultation statement to allow the County Council to distribute it to all statutory consultees and make copies available for inspection at the Council's nearest Customer Access Point.

Example method of Community Involvement

Open house event

Open house events allow developers to present their proposals to the general public and assess reactions in an informal manner. They are less structured than a workshop, and more informal than a traditional exhibition. Any of the parties involved can organise open house events at any stage of the design and development process. They can last from a few hours to several weeks. We recommend that a local venue be agreed with Planning Officers, with a number of displays on the proposals and options available. Organisers should be present to deal with queries and engage in informal debate. They should analyse the information they have collected at the event and use the analysis to further develop the proposal.

Additional advice from the Planning Department

4.9 Development Management Planning Officers at the Council are happy to be contacted to give guidance on whether your proposal would benefit from a community involvement exercise and how it may be achieved.

Contact the Strategic Development Management Team:

Strategic Development Management Team
Durham County Council
County Hall
Durham DH1 5UQ

Telephone: 03000 261 397

Email: dmstrategic@durham.gov.uk

What are Neighbourhood Plans?

5.1 A new type of plan making, the Neighbourhood Planning process, is designed to give communities a greater degree of control over how their local area is to be developed in the future. To support their implementation the Government has published new regulations which set out how they are to be prepared - The Neighbourhood Planning (General) Regulations 2012 (Statutory Instrument 2012, No. 637). Although they are to be prepared by the local community, the Council, in its role as local planning authority, has a statutory duty to support and enable the process.

5.2 The Localism Act introduces three components of neighbourhood planning:

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

Neighbourhood Development Plans (or Neighbourhood Plans)

5.3 Neighbourhood Plans will form a statutory part of the planning system and will carry weight in planning decision making. The County Durham Plan and Neighbourhood Plan will form the “Development Plan” for that area. They are to be prepared by Neighbourhood Forums, which in parished areas will be Town and Parish Councils (although the forum must be open to a wide range of members and not just existing members of that local council). In unparished areas the forum can be created by an existing local group or by a new group.

5.4 One of the key intentions of Neighbourhood Plans is to allow local communities to make their own decisions on how their settlements change or develop but they are required to conform with the strategic policies of the County Durham Plan. If, for example, the County Durham Plan determines that a settlement should have a certain level of residential development, the Neighbourhood Plan cannot reduce that amount. They can potentially influence the location of the development and can specify more development if they wish, but not less.

5.5 The area that a Neighbourhood Plan covers is open to local choice, so they can cover the whole or part of a parish, or can extend across parish boundaries - the County Council is the arbiter of the area. Forum's need to formally submit the area they wish the plan to cover to the Council. It is also important to note that plans are not mandatory, so a local council does not have to prepare one. The first thing for a community to do is assess the issues for its area. Once that is established the community can decide the best approach to address those issues, be it a Neighbourhood Plan, one of the options addressed below or by preparing a traditional parish plan, a village design statement or simple relying on the County Durham Plan to address planning issues in the area.

Neighbourhood Development Orders (NDO)

5.6 These are prepared by a forum set up in the same way as for a Neighbourhood Plan. They are a tool that can allow certain types of development in certain locations, without the need to submit a planning application to the Council and can apply to all of a Neighbourhood Plan area, part of it or to a particular site within the neighbourhood. They can also be prepared as an alternative to a Neighbourhood Plan.

5.7 Their purpose is to simplify the planning system in a specified area, for example, by allowing changes of use that would normally need permission or by allowing certain types of development that would normally need permission. There is a formal preparation procedure for their creation, the Council has to approve them, and they are also subject to an examination by an independent person.

Community Right to Build Orders

5.8 These are a mechanism for delivering community Right to Build, and are a specific type of Neighbourhood Development Order. They allow a local community group to bring forward a small development, which might include proposals for new homes, business premises and/or community facilities, but it must be small scale in comparison to the size of settlement. A community organisation, not just a parish or town council or a neighbourhood forum, is able to develop a Community Right to Build Order, however, to be eligible, at least half of the community organisation's members must live in the neighbourhood area to which the Community Right to Build Order will apply. The organisation must also exist to further the economic, environmental and social well-being of the area in question.

5.9 The process for preparing and adopting a Community Right to Build Order is broadly the same as that for a Neighbourhood Development Order. The Council is closely involved in the preparation process and they are subject to independent examination so this should ensure that they are delivered in a responsible way.

Preparing a Plan

5.10 There are a number of stages that have to be carried out in order that a Neighbourhood Plan, an NDO or a Community Right to Build Order is prepared to accord with the regulations. They can only be produced within a designated area and by a designated forum. The process for all three is similar so the following applies to all, with variations highlighted as necessary. The Council has a statutory role in this process and an approach to how it will meet these obligations is set out below:

Defining a Neighbourhood Area and Defining a Neighbourhood Forum

5.11 The regulations require neighbourhood areas to be defined as the first part of the process and the Council has specific roles to carry out when a body submits an application to us. The regulations also guide how an application for a Neighbourhood Forum should be dealt with. The two processes are very similar so the approach below applies to both, with the slight variations highlighted.

Is the application acceptable?

5.12 To determine this, Officers of the Spatial Policy Team will assess it. If unacceptable those Officers will write to the applicants to set out what the issues are and how they might be addressed.

Publicising an application

5.13 If it meets the requirements of the regulations an application is then publicised for 6 weeks. To meet our obligations it will be published on our website, we will issue a press release, publish a public notice in the local free paper, inform the portfolio holders for Economic Regeneration and Neighbourhoods and Local Partnerships and the local Members, and will display the details in the closest Council office, library or other suitable premises.

Designating a neighbourhood area / neighbourhood forum

5.14 When the consultation is completed Officers from the Spatial Policy Team will assess the responses to see if there are any reasons that the application should not be permitted. If there are issues they will be explained to the applicant via a “decision document” (for Neighbourhood Area Applications) or by a “refusal statement” for Neighbourhood Forum Applications) and these will be publicised in the way outlined at paragraph 5.13 above. If the proposal is acceptable the Council will proceed to designate the neighbourhood area or the neighbourhood forum as follows: The Head of Planning and Assets in consultation with Portfolio Holders for Economic Regeneration and Neighbourhoods and Local Partnerships and local Members will issue a letter to the applicants informing them that the application has been successful.

Publicising the designation of a neighbourhood area or a neighbourhood forum

5.15 The Council will publish notice of designation in the same way as outlined at paragraph 5.13 above. In cases when the Council considers that the area or forum should not be designated the approach is set out at paragraph 5.14 above (following consultation between the Head of Planning and Assets and the Portfolio Holders for Economic Regeneration and Neighbourhoods and Local partnerships and local Members).

5.16 It should be noted that to meet our obligations the above process will require public notices to be placed in the press.

Preparing a Neighbourhood Plan, a Neighbourhood Development Order or a Community Right to Build Order

5.17 It is vital that Community engagement is incorporated into the neighbourhood planning process by the forum and Council. It is necessary and important for several reasons:

- It is a statutory requirement of the Localism Act 2011;
- Early engagement is essential for developing political consensus and avoiding misconceptions;
- It is part of developing the evidence base (front loading);
- It helps achieve better informed outcomes (a community knows its own area/locality);

- It leads to more realistic and deliverable plans/policies;
- Public confidence and support need to be maintained;
- It helps to avoid conflict, delay and cost at later stages;
- It reduces the possibility of a 'no' vote in the local referendum if people are aware of the plan and have had the opportunity to participate in its production; and
- There is a democratic deficit (there is a need to involve people at a more detailed level beyond the election cycle every four years).

5.18 Once a Neighbourhood Area and Forum are defined there are a number of stages that must be carried out in order that a Neighbourhood Plan, a Neighbourhood Development Order or a Community Right to Build Order is prepared in accordance with the relevant regulations. The process for all three is similar and therefore the following guidance is applicable to each, with variations highlighted as necessary.

Advice to assist Neighbourhood Forums develop a strategy to meet their community engagement obligations

5.19 Where intensive community engagement has recently been undertaken, such as in respect of the Sustainable Community Plan or Parish Plan, the material obtained will be useful in informing the neighbourhood plan. The following points should help Forums plan their engagement strategy:

- **Publicity and Awareness:** It is important to publicise the proposed neighbourhood development plan as widely as possible using different media from the beginning of the process.
- **Local Partnerships:** Key partners and stakeholders should be identified. These can provide easier access and support in involving minority groups, different communities, residents, the business community, hard-to-engage communities, etc..
- **Front Loading:** Community engagement should be undertaken before work commences on the plan (this is called front-loading). The purpose of the first stages of community engagement is to help define issues and aims for the plan, and to inform an overall vision. Early and later stages of community engagement/involvement will also inform policies and proposals in the plan.
- **Capacity Building:** It will often be useful to include some capacity building (education/training) so that those participating in community engagement events are well informed about the plan and the issues it is dealing with.
- **Specialist advice and enabling:** It may be necessary for those leading and participating in the planning process to bring in specialist advice and support.
- **Be Creative:** Community engagement needs to engage people - it should be stimulating and enjoyable.

- **Manage Expectations:** It is necessary to explain the scope and limitations of the planning system and of neighbourhood development plans, in particular that they are a means to an end, not the end itself.
- **Targeting:** Whilst some people will naturally want to get involved in neighbourhood planning, with other people targeting will be necessary. This might include the elderly, young people and minority or hard-to-engage groups.
- **Accessibility:** Careful thought needs to be given to make events accessible, including location, timing, media, format, etc. Events should be informal and unthreatening – for example those running events should dress informally.

The Council's approach to community engagement in neighbourhood planning matters

5.20 The Council also has a statutory role in this process and an approach to how it will meet these obligations is set out below:

Publicising the “submission” of a proposal

5.21 In accordance with the regulations, when receiving a proposal from a forum at the Submission stage (i.e. the revised proposal resulting from changes made after the “pre-submission” consultation carried out by the forum) the Council has to publicise the submission. To achieve this, the Council will:

- Place the document on our website
- Publish a press release
- Place copies in the nearest local council office or library or other suitable location
- Liaise with the forum applying for the designation to have a notice published in the local parish/town council newsletter (if this is not possible we will publish a notice in the local free press)
- Notify the relevant consultation bodies as set out in the regulations

5.22 The proposal will have already been through a consultation led by the forum so the Council will also consult those who have already made comments to the forum as well as informing the Council Members and specific Partnerships. The consultation on the “submission” proposal allows interested parties to make representations. In the case of a Community Right to Build Order, the Council will also notify by letter those whose property abuts the area covered by the order.

Appointment of the independent examiner

5.23 Once the consultation of the submission proposal is completed, the proposal will be the subject of an examination by an independent examiner and it is the Council's role to appoint the examiner. Unlike planning appeals or examinations into Local Plans, the examiner does not have to be an Inspector from the Planning Inspectorate, but does need to be independent of the Council and the forum. The approach to

appointments will vary and develop as the process evolves. It is proposed that the Head of Planning and Assets makes the appointment on behalf of the Council. It should be noted that the Council is expected to fund the examiners fee and any other costs associated with the examination.

The examiner's report

5.24 The report on the proposal will follow on from the examination. In the case of Neighbourhood Plans it will contain one of three recommendations: proceed to referendum, proceed to referendum subject to certain amendments, or not proceed. It is for the Council to assess the report and decide whether the recommendations should be followed. In the case of an NDO or a Community Right to Build Order the Council has to decide whether to accept the recommendations in the examiner's report.

5.25 Officers of the Spatial Policy Team on behalf of the Head of Planning and Assets will make these assessments in consultation with the Portfolio Holders for Economic Regeneration and Neighbourhoods and Local Partnerships and also Local Members. The Council will then publish a "decision statement", including its reasons for the decision, and details of where the decision can be inspected and a copy of the report made by the examiner. A copy of the statement is also sent to the forum. The publicity will be carried out by the method described at paragraph 5.18.

The referendum

5.26 Once the examination report and the decision statement by the Council have been completed and publicised, in cases where the proposed content is acceptable, a referendum is carried out with the local community. It is the responsibility of the Council to organise and fund the referendum. Further national guidance is awaited on this matter.

Adopting (or Making) the proposal

5.27 If the proposal is supported through the referendum it can be adopted by the Council. The Council's Constitution states that the adoption of plans or alterations that together form part of the Development Plan (of which the Neighbourhood Plan is a part) is a function for Full Council. In the case of an NDO or a Community Right to Build Order, although not part of the Development Plan, the nature of the Orders warrants the same approach as, in effect the orders supplement the provisions of the Development Plan in their specific areas. Once the proposal has been adopted the Council has to publicise this decision. This publicity will follow the format outlined at paragraph 5.13.

Recommended Community Involvement

5.28 Community engagement is necessary and important for several reasons:

- It is a statutory requirement of the Localism Act 2011;
- Early engagement is essential for developing political consensus and avoiding misconceptions;
- It is part of developing the evidence base (front loading);
- It helps achieve better informed outcomes (community know their own area best);

- It leads to more realistic and deliverable plans/policies;
- Public confidence and support need to be maintained;
- It helps to avoid conflict, delay and cost at later stages;
- It reduces the possibility of a 'no' vote in the local referendum if people are aware of the plan and have had the opportunity to participate in its production; and
- There is a democratic deficit (there is a need to involve people at a more detailed level than elections every four years).

5.29 Where intensive community engagement has recently been undertaken, such as in respect of the Sustainable Community Plan or Parish Plan, the material obtained will be useful in informing the neighbourhood plan. The following points should help with consultation exercises:

- **Publicity and Awareness:** It is important to publicise the proposed neighbourhood development plan as widely as possible using different media right at the beginning of the process.
- **Local Partnerships:** Key partners and stakeholders should be identified. These can provide easier access and support in involving minority groups, different communities, residents, the business community, hard-to-engage communities, etc.
- **Front Loading:** Community engagement should be undertaken before work commences on the plan (this is called front-loading). The purpose of the first stages of community engagement is to help define issues and aims for the plan, and to inform an overall vision. Early and later stages of community engagement/involvement will also inform policies and proposals in the plan.
- **Capacity Building:** It will often be useful to include some capacity building (education/training) so that those participating in community engagement events are well informed about the plan and the issues it is dealing with.
- **Specialist advice and enabling:** It may be necessary for those leading and participating in the planning process to bring in specialist advice and support.
- **Be Creative:** Community engagement needs to engage people - it should be stimulating and enjoyable.
- **Manage Expectations:** It is necessary to explain the scope and limitations of the planning system and of neighbourhood development plans, in particular that they are a means to an end, not the end itself.

- Targeting: Whilst some people will naturally want to get involved in neighbourhood planning, with other people targeting will be necessary. This might include the elderly, young people and minority or hard-to-engage groups.
- Accessibility: Careful thought needs to be given to make events accessible, including location, timing, media, format, etc. Events should be informal and unthreatening – for example those running events should dress informally.

Additional advice from the Spatial Policy Team

5.30 We are happy to be contacted to discuss any aspect of community involvement in the preparation of Neighbourhood Plans. For information contact:

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

Telephone: **03000 261 923** or **03000 261 908**
Email: CDPconsultation@durham.gov.uk
Council's website: <http://www.durham.gov.uk/ldf>

Introduction

The Council currently holds a consultation database of statutory and non statutory consultees comprising a range of organisations, community groups and individuals who will be informed and consulted throughout the preparation of the County Durham Plan. If you would like to join the County Durham Plan consultation database you can either contact us using the address, email or telephone number provided at the end of Section 2 (please see '[Further Information](#)'), or you can register using our interactive website. To register as a consultee using our interactive website, please visit us at: <http://durhamcc-consult.limehouse.co.uk/portal/planning/>. If you think that you are already on the consultation database and want to check or amend your details, or alternatively wish to be removed please contact us.

The following paragraphs identify in general terms the range of consultees that will be consulted by the Council during the preparation of the County Durham Plan. It is not an exhaustive list, but is provided in order to give you an overall perspective of the wide range of consultees that we will consult during the preparation of the County Durham Plan.

The Consultees

Specific Consultation Bodies

Specific Consultation Bodies must be consulted in order to accord with the Governments' Planning Acts and Development Plan Regulations). They are:

- All adjacent local planning authorities in the Tees Valley, North Yorkshire, Cumbria, Northumberland and Tyne and Wear
- All Parish and Town Councils in County Durham and adjacent Town and Parish Councils in areas adjoining County Durham
- Government organisations i.e. Natural England, The Environment Agency, English Heritage, Highways Agency and the Coal Authority
- The County Durham Health Authority and the Durham and Tees Valley Strategic Health Authority
- Any person to whom the electronic communications code applies by virtue of a directive given under Section 106 (3) (a) of the Communications Act 2003 and any person who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority i.e. British Telecom Plc and Mercury Personal Communications Ltd
- All persons to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
- All persons to whom a licence has been granted under Section 7(2) of the Gas Act 1986 i.e. British Gas Properties and British Gas Transco
- All sewerage and water undertakers i.e. Northumbrian Water Ltd, United Utilities and Hartlepool Water

Government Departments

- The First Secretary of State
- Home Office
- Department for Education and Skills
- Department for Environment, Food and Rural Affairs (DEFRA)
- Department for Energy and Climate Change
- Department for Schools Children and Families
- Department for Transport
- Department of Health (through relevant Regional Office of NHS Executive)
- Department of Business Innovation and Skills
- Ministry of Defence
- Ministry of Justice
- Department of Work and Pensions
- Department of Constitutional Affairs
- Department for Culture, Media and Sport
- Office of Government Commerce (Property Advisers to the Civil Estate)
- The Planning Inspectorate

General Consultation Bodies

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

Other Consultees

The Council has grouped a range of other organisations and interest groups under a general category called other consultees. The list below is not exhaustive, it has been provided to illustrate the range of organisations and interest groups that will be consulted.

- Airport operators i.e. Durham Tees Valley and Newcastle Airport
- British Horse Society
- Built Environment Groups and Civic Amenity Groups at national, regional and local level including: Ancient Monuments Society, Twentieth Century Society, Victorian Society, Society for the Protection of Ancient Buildings
- British Waterways, Canal Owners and Navigation Authorities
- Church Commissioners
- City of Durham Trust
- Civil Aviation Authority
- Commission for New Towns and English Partnerships
- Commission for Racial Equality North East
- Community Groups (various groups where identified)
- Council for British Archaeology
- County Durham Badger Group

- County Durham Environmental Trust Ltd
- County Durham Local Access Forum
- County Durham Wildlife Trust
- Crown Estate Office
- Disability Rights Commission
- Durham Architectural and Archaeological Society
- Durham Diocesan Board of Finance
- Durham Learning and Skills Council
- Environmental groups at national, regional and local level including: the CPRE, Friends of the Earth, Royal Society for the Protection of Birds, Greenpeace
- Equal Opportunities Commission
- Fire and Rescue Services
- Forestry Commission – Kielder Forest District and North East England Conservancy
- Freight Transport Association
- Garden History Society
- General Aviation Awareness Council
- Groundwork East and West Durham
- Gypsy Council
- Health and Safety Executive
- Help the Aged
- Homes and Communities Agency
- Marine Conservation Agency
- National Playing Fields Association
- National Air Traffic Services (NATS) Ltd
- Network Rail
- North Pennines Area of Outstanding Natural Beauty (AONB) Partnership
- Passenger Transport Authorities and Passenger Transport Executives
- Police Architectural Liaison Officers/Crime Prevention Design Advisors
- Port Operators i.e. Seaham Harbour Dock Company
- Rail and Rail Freight Companies
- Regional Housing Boards
- Regional Sports Boards
- Road Haulage Association
- Sport England
- The Home Builders Federation
- Traveller Law Reform Coalition
- The Dean and Chapter of Durham
- The National Trust
- The University of Durham
- Women's National Commission
- Woodland Trust

In addition our consultation database also includes many members of the public.

Introduction

This appendix explains some of the methods we may use to involve you in the preparation of the County Durham Plan.

A description of the methods we could use to involve you

Draft documents

All draft planning documents associated with the County Durham Plan will be available for inspection at County Hall Durham, Council Customer Access Points and Council run local and mobile libraries during the set consultation period. The document will provide details of how and when people can make representations. The Council Customer Access Points are:

Table 2 Customer Access Points

Customer Access Point	Location Details
Barnard Castle - Customer Access Point	Teesdale House, Galgate, Barnard Castle
Bishop Auckland - Customer Access Point	Old Bank Chambers, Bishop Auckland (at the right hand side of the Town Hall, Market Square)
Chester-le-Street - Customer Access Point	Civic Centre, Newcastle Road, Chester-le-Street
Consett - Customer Access Point	Front Street, Consett (the former Woolworths building)
Crook - Customer Access Point	Civic Centre, Crook (building facing the Market Square)
Durham City - Customer Access Point	17 Claypath, Durham City
Seaham - Customer Access Point	St John's Square, Seaham
Spennymoor - Customer Access Point	Council Officers, Green Lane, Spennymoor
Stanley - Customer Access Point	Front Street, Stanley

Letters to statutory bodies

The Council will identify and maintain a database of all consultees who will be consulted in writing or by email when key documents are released in draft form. Please see, Appendix [A "Who are the consultees?"](#)

Briefing workshops

Briefing workshops are simple, easy to organise working sessions held to establish a project agenda or brief. They can simultaneously:

- Introduce people to the project;
- Help establish the key issues;
- Get people involved and motivated;
- Identify useful talent and experience; and
- Identify the next steps needed.

Briefing workshops are useful at the start of a project or action planning event and can act as a public launch. Potential users of the project will be invited to attend a workshop to discuss either a range of subjects or just a single issue. Similar workshops may be helpful on different topics (for example housing, jobs or areas of open spaces).

These will be held in accessible locations and may need to be held over a number of days and varying times to ensure all sections of the community have an opportunity to attend.

Newspaper Supplement – 'Durham County News' Magazine

Newspaper supplements are one of the most effective ways of spreading planning and development ideas to large numbers of people and generating public debate. They are particularly useful for presenting proposals from action planning events. The Council's free publication 'Durham County News' that is sent to every household in the County will be used to disseminate information about the County Durham Plan preparation process, emerging issues and consultation events.

Review Session

Review sessions are a useful way of monitoring progress and maintaining momentum. They can be held weeks, months, or even years after an action planning event or other community planning initiative. All those involved in previous activity are invited back to a session, lasting up to one day. Invitations can also be sent to those who may wish to become involved in the future. A programme is designed to review progress, evaluate earlier initiatives and determine the next steps. A report of the session is written up and circulated.

Master planning

Master planning can combine a series of workshops, exhibitions and seminars to generate professionally produced urban design proposals. They are a good way of generating significant public debate and capturing local opinions, as well as providing an impetus for implementation. Usually an overall design concept is agreed by the organisers. Teams of professionals are selected by open competition to prepare improvement schemes for each of the selected sites. The chosen teams facilitate design workshops with local residents, prepare proposals and present them in an interactive exhibition. A final, highly publicised seminar is held to debate the results and generate momentum for the scheme's implementation.

Planning Focus Meeting

The planning focus meeting includes one or more meetings between the development industry and Local Planning Authorities. It provides a forum for the development industry to introduce projects and explain their various components and considerations.

Planning focus meetings are valuable because they deal at an early stage with matters that might otherwise delay the assessment process. They help clarify the main policies, criteria and guidelines that will be used by the Local Planning Authority in assessing and determining projects. Their purpose is to establish a sound basis that ensures projects are adequately described and their implications are properly identified and addressed. The Local Planning Authority will be able to suggest the areas and groups the developer needs to engage with regarding their proposal before formal submission of their scheme.

Focus Groups

Focus Groups are made up of local people to discuss planning issues and can help Local Planning Authorities to gain more understanding of public concerns.

Public Meetings - area, town and village meetings

Public meetings can help Local Planning Authorities to present information and proposals within a framework that enables immediate discussion and feedback. These will be particularly relevant to Development Plan Documents such as the Core Strategy, Area Action Plans and planning applications. These meetings represent an open and inclusive way for people to engage in robust debate on the key issues. Public meetings will be used in conjunction with other techniques, and not as the only consultative tool, as participants do not always reflect the views of the wider community.

Internet-based consultation

In order to improve how we involve you we will undertake web-based consultation on all emerging County Durham Plan documents using our new 'County Durham Plan' consultation pages. The most common form of consultation will be through interactive documents, however from time to time we may publish internet based surveys, polls or discussion forums. We believe that the internet provides quick and efficient opportunities for interested individuals and parties to engage in the planning process. The Internet offers the following potential uses:

- Timely, accurate information on site plans, opportunities, constraints, commissioned studies;
- A platform on which organisations can respond to issues known to be of community concern;
- A way for organisations to invite stakeholders to comment on the specific proposals and a means of receiving feedback; and
- An interactive medium allowing discussion and debate.

All formal consultations undertaken by the Council on the production of the County Durham Plan will be published on the Council website at:

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

A link to the Council's consultation portal can also be found on our main County Durham Plan web page, please visit:

www.durham.gov.uk/cdp

We are encouraging people to view and respond to our consultations online to reduce the time it takes to respond to the consultation and reduce the time it takes to analyse responses. In some instances, you will be asked to register or log in before being able to participate in a consultation event. To register, please click on the 'Register' link within the 'Login' section.

Members of the public can make representations on this web page or alternatively comments can be emailed to:

CDPconsultation@durham.gov.uk

Press and public relations

The Council will inform the community of key consultation dates during the production of the County Durham Plan by releasing appropriate press releases.

Community Forums

The Council will use the Area Action Partnerships that are already established in the County to widen the community involvement in the County Durham Plan preparation process. These Forums will be used as a channel to inform the local community of the stage reached in the review process, to provide opportunities for their input and participation and to explain key issues affecting local areas.

Public Exhibitions

As part of the formal consultation exercises associated with the preparation of the County Durham Plan we will hold a series of staffed and un-staffed exhibitions throughout the County. These will be held at accessible venues throughout the County. Planning Officers will be available to answer questions.

Existing networks

There are a range of existing meetings and forums, which can be tapped into, including the Local Strategic Partnership Thematic Groups and the voluntary sector. There are a number of Forums covering particular sections of the community which can be used to engage 'hard to reach' groups.



Introduction

1.1 The enforcement strategy proposed as part of this document accords with the principles of the national Enforcement Concordat. The authoritative source for advice in relation to the planning enforcement service currently resides within Planning Policy Guidance Note 18 "Enforcing Planning Control".

1.2 The planning authority's decision whether to take enforcement action must always be well founded. Whether it is "expedient" for the authority to initiate formal enforcement action, to remedy or stop an alleged breach of planning control requires thorough assessment of the relevant facts in every case.

1.3 A clear statement of enforcement policy explaining the Council's Planning Enforcement procedure and practice is therefore seen to be of paramount importance if the Council is to meet the requirements of Best Value and Comprehensive Performance Assessment. A detailed policy statement has therefore been prepared which identifies the following core activities:

- The procedure for dealing with complaints about alleged unauthorised development;
- Setting clear enforcement priorities; and
- How the authority intends to monitor new building activity to secure compliance with approved plans.

1.4 The policy statement has been formulated to provide a decision-making framework to enable effective enforcement procedures and practices to be implemented.

The General Approach to Planning Enforcement

2.1 The Council will follow Central Government advice when investigating alleged breaches of planning control. The Council will also ensure that its investigation of any alleged breach, and any subsequent actions, fully accords with the Law. The Council will also ensure investigations are carried out in accordance with the principles of good enforcement as detailed in the Enforcement Concordat published by the Cabinet Office and The Local Government Association in March 1998.

2.2 There are a number of core aims which are considered important to guiding service delivery. These are:

i Expediency

2.3 The carrying out of development without planning permission is not a criminal offence. Rather the Local Planning Authority must consider the expediency for taking enforcement action having regard to the provisions of the development plan and to all other material planning considerations raised by a particular breach. Such considerations include, of particular importance, any evidence of demonstrable harm which a breach may be causing.

2.4 On a similar theme even those breaches of planning control which do comprise automatic criminal offences (such as advertisements; works to protected trees; listed building and demolition in conservation area cases) need to be considered against the accepted public interest test. This recognises that it is not in the public interest for public sector prosecuting bodies to pursue prosecutions in relation to matters which do not cause demonstrable harm to the public interest.

2.5 As a result of this it is important that the need for Officers to ensure an 'expediency lead' approach is reflected in the operational approach recommend for specific investigations (see Para 3).

ii. A Strong Customer Focus

2.6 A common theme of national advice on the subject of planning enforcement (and other national, Central Government best practice advice on enforcement in general; e.g. the Enforcement Concordat) is that those responsible for delivering an enforcement function should undertake their duties in a helpful and customer focused manner. This approach ensures that those to whom enforcement action is directed are provided with appropriate advice as to how to best proceed in a matter; being made fully aware of what options and rights to challenge the Council's intended course of action they have.

2.7 A customer focused approach to enforcement is also an important requirement when dealing with those who have made complaints about a breach of control. This includes ensuring they are provided with the contact details of the investigating Officer; are provided with updates at appropriate key stages with regard to progress made in an investigation and also that Officers take the time to explain the various processes which must be followed as an integral part of any investigation. This often helps a complainant understand why formal action cannot be taken; or cannot be progressed as swiftly as they would like.

2.8 The need for a customer focused approach to service delivery is also reflected in the recommended operational approach as detailed below.

iii. Delivering Community Empowerment

2.9 Local Government is presently undergoing significant change in relation to how it interacts with the individual communities it serves. This change is being lead primarily by the White Paper 'Communities in Control' dated July 2008.

2.10 Whilst the Law would prohibit the devolvement of the planning enforcement function to community organisations (such as Town and Parish Councils or Resident Associations) it is nevertheless considered there are a number of ways in which the service can be delivered by the New Authority which will fully recognise the importance

of the community and requests for action. This approach will help community groups become better engaged in service delivery. These recommendations are discussed in the detailed operational approach below.

iv. A Multi Disciplinary Approach

2.11 Whilst strictly outside the scope of this protocol it is considered that much is to be gained by Planning Enforcement Officers ensuring regular contact is made with other enforcement officers, both within the Authority and from other external agencies. Such close liaison can help ensure the sharing of key information, lead to better use of staff resources and ultimately a better outcome for customers of the service, in particular those who may have lodged complaints initially with the planning enforcement service which either are not matters which comprise a breach of planning control and / or may be more swiftly resolved by a multi agency approach.

2.12 The value of this multi disciplinary approach is also recognised in the Concordat in terms of helping ensure the delivery of joined up advice to help businesses meet their legal obligations.

v. Accountability

2.13 Pre-vesting day in some Authorities there was some evidence to suggest that the planning enforcement service had not been given sufficient priority. This may in part be due to the fact that there are no set National Indicators for the service; nor is enforcement performance a contributory factor to an Authority's Housing and Planning Delivery Grant allocations.

2.14 In an attempt to address this, and also in recognition of the need for the service to provide accountability for its performance, to both management of the Authority and to customers, the service has developed a suite of Local Performance Indicators to monitor performance. A list of the agreed Performance Indicators are included in this protocol at Para 5.3.

The Operational Approach to Enforcement

3.1 This section details a specific operational approach to dealing with enforcement investigations and to ensuring that investigations are initiated having regard to the established aims detailed above. In addition to dealing with commonly faced daily service delivery issues it also discusses approaches to two specific areas of enforcement complaints, householder development and development by businesses.

3.2 The operational approach set out below is structured to follow a normal time line associated with a typical planning enforcement investigation.

Receipt of Complaint

3.3 The service will seek to deliver exemplary standards of customer care when dealing with customers in respect of enforcement matters. This includes customers who access the service by making a complaint about an alleged breach of planning control. The Council recognises that the decision to report an alleged breach of control can often be stressful for the person reporting the complaint, for a variety of potential reasons.

As a result the Council will always investigate anonymous complaints. However it should be noted that the Council will also ensure the confidentiality of complainants who do provide their contact details. These details will be treated as confidential under the provisions of Section 12A of the Local Government Act 1972. Complainants will however need to be aware that in many cases persons responsible for breaches of control invariably deduce where a complaint has originated from as and when Officers commence an investigation. In addition in the event of cases reaching the prosecution stage it is likely the Authority will invite the complainants to attend Court to give evidence in the matter.

3.4 The Local Government Ombudsman has consistently recognised that the failure of a Local Authority to promptly investigate an enforcement complaint, and thereafter take enforcement action that is plainly required, can amount to maladministration. However Local Authorities can, with reason, establish their own priorities in terms of how different types of complaints are investigated.

3.5 Whilst the service will seek to investigate all complaints promptly, it is not possible having regard to available resources, nor appropriate, having regard to the nature of many complaints, to seek to investigate all complaints received in a relatively immediate time scale. Rather it is proposed that complaints are prioritised in a category based approach. This category approach should be based not on the 'type' or 'nature' of the breach, but on the importance of issues of planning harm the breach is considered to cause. This is detailed below at 3.9.

3.6 Initially, when a complaint is received the receiving Officer will ensure that sufficient details of the breach are recorded to enable an investigation to commence and a response to the complaint to be provided. This level of detail should include:

- Name and contact details of complainant (unless they wish to remain anonymous);
- Address of site where alleged breach is occurring (or locality if exact address not known);
- Nature / description of the breach;
- Details of harm arising leading to complaint; and
- Date when breach commenced (if known).

3.7 The Complainant should also be invited to submit any evidence (photographs; press adverts etc) that they may feel appropriate to support their complaint. The details should be entered onto the Council's computer system as soon as possible. Within 5 working days of a complaint being received by the Case Officer he / she will provide to the complainant (if address details are known) a standard acknowledgement confirming:

- The name of the Case Officer responsible for investigating the complaint;
- The telephone number & E Mail address of the Investigating Officer;
- The date by which we aim to provide initial feedback; and
- The reference number for the complaint, to be quoted in future correspondence.

3.8 The letter should also provide helpful advice to the complainant as to where they may obtain further information on the planning enforcement system; including through the Council's website; The Planning Portal and the CLG web site.

3.9 When registering the complaint and entering it onto the computer system the Case Officer will determine under what priority category the complaint should fall. It is proposed that 3 separate categories be applied with separate target response times for each category. The following definition will be used to establish under which category a complaint should fall:

- Category 1: These complaints relate to alleged breaches of control which may lead to a loss of life or involve potentially irreversible breaches of control (i.e. loss of protected trees / demolition of listed building), **PI Target:** To respond to 90% of Category 1 complaints immediately and at least within 24 hours.
- Category 2: These complaints relate to alleged breaches of control that the complainant alleges comprise development or operations which are in progress; changes of use alleged to be in conception (and which fall out with Category 1); to complaints considered to raise potentially significant planning issues and, also, to all complaints received from an MP, County Councillors, Town or Parish Council, the relevant AAP for the locality, a Resident Association or from any member of the management team of the Planning Service. **PI Target:** To respond to 90% of Category 2 complaints within 10 working days.
- Category 3: These complaints relate to all other breaches of control. **PI Target:** To respond to 90% of Category 3 complaints within 21 working days.

3.12 A response for the purposes of the Performance Indicator should be classed as the carrying out of a site visit to establish the relevant facts on the matter. Thereafter within a further period of no more than 5 working days a meaningful reply should be provided to the complainant, either by telephone or preferably in writing. The reply should set out the Case Officers view as to how the Authority is minded to progress the investigation having regard to the various options discussed below at 3.20.

3.13 However it is important to recognise that in many cases an 'instant decision' cannot be provided to a complainant regarding whether or not an alleged breach of control constitutes development and therefore is a matter which the Council, acting as Planning Authority for the area can investigate. Similarly in many cases an instant decision cannot be made, even when a clear breach has been identified, as to whether or not it would be considered expedient to take formal action. Many cases require a prolonged period of monitoring before the level of harm can be established and thereafter a decision made as to whether or not it is expedient to take action.

3.14 As such it is important that complainants appreciate that the initial response to a particular complaint may not be as definitive as what they may expect. However, when providing an initial response the Case Officer should always try to outline the processes involved in the investigation and also explain the likely time scales involved. The Case Officer should also make clear to complainants that these time scales are fluid and can vary depending on the route the subsequent investigation takes.

Investigation of Complaint

3.15 The Case Officer will aim to ensure that the complaint is investigated promptly, within the set target for the particular category. Notes of site visits and ensuing actions taken should be kept; ideally on the computer system (which allows for access by other Officers within the team).

3.16 When carrying out an initial investigation, in particular carrying out the initial site visit, It is important for Case Officers to recognise that people often carry out unauthorised development in ignorance of the requirements of the planning system, or on the basis of flawed advice. This is particularly common with unauthorised householder development. As such the initial approach to a landowner / developer should always be polite and courteous. As a matter of principle the Case Officer should not appear unduly officious or give the impression that the landowner will be faced with immediate legal action or aborted costs as a result of an investigation. Rather a landowner / developer who is found to be in the process of carrying out unauthorised development will be politely, but firmly, advised of the position and be advised to cease work and that any further work carried out is done so entirely at their own risk. Where appropriate, they may also be invited to submit a retrospective planning application to enable the matter to be impartially assessed, following due process.

3.17 It will be best practice for all initial advice to a developer / landowner to be provided in writing. This avoids any confusion and also provides a formal record of the advice provided.

3.18 When writing to a developer who has been found to be carrying out development in breach of planning control the Case Officer should include standard text which:

- Provides options as to how to remedy the matter (i.e. submit a retrospective application / carry out works to undo the breach of control);
- Provide an invitation to contact Officers to discuss the matter further;
- Provide details as to how they can obtain professional representation (through discussion with Planning Officers; the RTPI web site etc); and
- Provide a clear summary of the matter.

3.19 All correspondence should include, as standard, details of the name, telephone number and E Mail address of the Case Officer.

Deciding What Course of Action Should be Taken

3.20 Following the carrying out of the initial investigation, including site visit, the Case Officer will need to decide upon the course of action to be followed in relation to the complaint. There are essentially four different outcomes which can follow an initial investigation. These outcomes, together with a procedure for each, are outlined below:

- **No Breach of Control**

3.21 In many cases the Case Officer's initial investigation will reveal that the matter does not constitute a breach of planning control. This can be down to the fact that the complaint does not comprise development or benefits from permitted development rights or falls within the deemed consent classes of the Advertisement Regulations.

3.22 In such instances the Case Officer will contact both the landowner (assuming they have been made aware of the existence of the complaint by the site visit) and the complainant to explain that there is nothing in Law the Council as Planning Authority can do in relation to the matter. Following this the Case Officer will exercise their individual authority to close the file.

3.23 However, having regard to the aims of the multi discipline approach as detailed above, if the Case Officer is aware of any other service team within the Authority or external organisation which they feel may be able to investigate the complaint they will forward details of the case onto these relevant agencies. If in doubt the Case Officer will contact the other service team or organisation to confirm their potential ability to investigate the matter. This factor should be drawn to the attention of the complainant when providing the final response, including by providing details of how the complainant may contact the relevant agency to remain informed of their investigation.

- **Breach of Control Potentially Identified - Further Monitoring Required**

3.24 In many cases it is not possible for the Case Officer to come to an immediate view as to whether or not a matter does constitute a breach of planning control. This is most commonly the case in relation to complaints about material changes of use; where the nature and characteristics of the use need to be observed over a period of time before a judgement can be as to the issue of materiality.

3.25 In such cases the fact that the Case Officer will need to carry out a period of monitoring, together with the reasons for the need to do so, should be communicated to the complainant. The complainant should also be invited to consider assisting the Council in their investigation by providing any monitoring evidence they may be able and willing to collate.

- **Breach of Control Identified – Officer Assessment Likely Acceptable**

3.26 In many cases the investigation will reveal that the matter does comprise a breach of planning control. However the investigation may also reveal (following discussions with Planning Officers if appropriate) that the breach is considered to be relatively minor in nature and would be most likely to be considered acceptable on its planning merits without further conditions.

3.27 In such cases the Case Officer will nevertheless write to the land owner / developer to request that a retrospective planning application is made. This course of action upholds the integrity of the planning system, and also allows the matter to be assessed in the public domain, following due process.

3.28 The Council acknowledges that there will be occasions when a developer / landowner will not be willing to submit a retrospective planning application. It also acknowledges that it is not appropriate to initiate formal enforcement action merely to punish a lack of planning permission. In such instances a reminder letter will be sent which will point out the potential pitfalls in not seeking planning permission, including potential difficulties when selling the land.

3.29 In the event of a retrospective application not being submitted following a second reminder letter the Case Officer will prepare a delegated report for consideration by either the Area Manager or Principal Planning Officer to recommend the closing off of the file on the grounds of it not being considered expedient to take enforcement action. The delegated report should follow the following format:

- A brief history of complaint and the investigative actions undertaken;
- Full details of the breach of control;
- An outline of the steps taken to request the submission of an application;
- An analysis of how the breach of control relates to relevant development plan policies and all material planning considerations; including issues of demonstrable harm; and
- A summary as to why, having regard to the above, it is not considered expedient to take enforcement action.

3.30 This report should be signed by the Case Officer and countersigned by either of the appropriate Officers discussed above. In the event of complaints made by a Town or Parish Council, MP, County Councillors and AAP the report should also be countersigned by the Development Manager.

3.31 Following the decision being taken that it is not considered expedient to take enforcement action, and to close the file the Case Officer should write to the complainant to explain the reasons behind the Council's decision. The Case Officer should also write to the land owner / the person responsible for the breach so as to ensure that they are also aware of the decision made.

- **Breach of Control Identified – Officer Assessment Likely Unacceptable**

3.32 In some cases the investigation will reveal that the matter comprises a breach of planning control which also indicates, following discussion with Planning Officers (if appropriate) that the breach is considered to raise significant planning issues and would be likely to be unacceptable on its planning merits.

3.33 Following relevant national advice the Case Officer will seek to negotiate with, and attempt to persuade the owner or occupier of the site to voluntarily remedy the harmful effects of the unauthorised development. This approach may include attempting to persuade the owner / developer to submit a retrospective planning application for a potentially alternative form of development which may be considered more acceptable. Consideration will also be given to how the use of appropriately worded conditions of a retrospective approval could render a potentially unacceptable unauthorised development acceptable. Notwithstanding the above the developer will be advised of their right to submit a retrospective application, however it will be brought to the attention of the developer that this advice is without prejudice and that indeed the initial Officer assessment is that such an application will be unlikely to be supported.

3.34 During such negotiations it will be normal practice to serve a Planning Contravention Notice (PCN), or other appropriate requisition Notice, to establish the facts on a breach. It may also be appropriate to commission a Land Registry Search (LRS) at this stage. The service of PCN and carrying out a LRS at this stage will ensure enforcement action can be taken swiftly if this subsequently proves to be required.

3.35 In such cases the developer should also be advised that negotiations will not be allowed to go on indefinitely and rather, if they are willing to follow the negotiated solution route, they must ensure appropriate steps are taken inside a defined timescale. The timescale applied will clearly vary depending upon the nature and degree of harm caused by the breach.

3.36 Only in circumstances of clear and serious harm will it be appropriate for the Case Office to seek the service of an Enforcement Notice before allowing the landowner / developer the opportunity to submit a retrospective planning application in an attempt to regularise the matter, following due process.

3.37 However, where negotiations fail and a seriously harmful breach remains, the Council will not allow negotiations to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds or to compel it to stop. In particularly serious cases this may include the service of a Temporary Stop Notice, Stop Notice and / or Injunction where deemed necessary. When it is apparent that negotiations are failing the Council will not seek to delay the taking of formal enforcement action where this considered to be clearly expedient.

- The Taking of Enforcement Action**

3.38 When taking enforcement action it is important to ensure that action is commensurate with the breach of planning control to which it relates. When deciding to take action the Council will take care to draft any Notice to ensure it only requires the appropriate action necessary to remedy the harm caused by a breach. This will avoid 'over enforcement', i.e. requiring action that would go beyond what is required to remedy any particular breach in control.

3.39 The decision to take enforcement action or commence prosecutions will ordinarily be taken under delegated powers by the Area Manager. However on occasions if it is considered in the wider public interest, the Area Manager, following discussion with the Development Manager, may decide to report the matter to Planning Committee for determination. In either case the Case Officer shall first prepare a report which outlines:

- A brief history to the complaint and the investigative actions undertaken;
- Full details of the breach of control;
- A screening opinion as to whether or not the breach constitutes EIA development;
- An analysis of why it is considered appropriate to recommend the taking of enforcement action having regard to the relevant development plan policies and to all material planning considerations including the detailing of demonstrable harm;

- An analysis of why it is recommended expedient to commence enforcement action, having regard to the provisions of the Human Rights Act and to any other representations that the person(s) responsible may have put forward in support of the unauthorised development;
- An analysis of any potential adverse impacts on the economy which enforcement action may generate; and
- Details of the steps required to be taken and the timescale for compliance.

3.40 For breaches of control that give rise to serious amenity problems the time scale for compliance will normally be relatively short (however see special case in regard to businesses below). Conversely breaches of control, which although considered expedient to take action against, are not considered to cause serious amenity problems requiring prompt resolution, the period for compliance with any Notice will normally be longer. For breaches of control that require complex works to be carried out to comply with the terms of a Notice longer periods will be given as appropriate.

3.41 The requirements of the Notice shall be drafted in plain English and shall provide clear and unequivocal instruction as to the steps the recipient of a Notice will be required to take to comply with its requirements. These requirements will only stipulate what is required to undo the harm caused by a breach; they will often require steps which fall within the term 'under enforcement' i.e. do not necessarily require the complete removal / cessation of a breach.

3.42 Examples of such 'under enforcement' include where an extension to a commercial premises may have been carried out without planning permission. The development is considered entirely acceptable in principle and in terms of scale and design. However, the position of a window in an elevation facing a residential property is considered unacceptable on overlooking and privacy grounds. In such a case the requirements of a Notice would merely require the obscure glazing of the window; as opposed to the demolition of the whole of the unauthorised extension. Similarly where a premises may have undergone a change in use to a hot food takeaway without planning permission; if the principle of the change of use was considered acceptable, however the operation of the takeaway until the early hours of the morning was causing unacceptable harm to the living conditions of nearby residents. In such cases the requirements of the Notice would merely require the closing of the premises at a certain hour on every day, as opposed to the complete cessation of the unauthorised use.

3.43 When serving Notices the Council will always comply with the Law and CLG best practice advice by ensuring the covering letter provides the name of the contact Officer dealing with the matter as well as telephone and E Mail contacts. Such letters will also include details of how to appeal against the Notice and how to seek professional assistance. A model template of such a letter is appended to this report.

• **Cases for Special Treatment - 1) Businesses**

3.44 The Council will take account of advice contained in the Concordat and other appropriate national guidance when taking enforcement action against small businesses.

3.45 The Council is committed both to fostering business and facilitating investment and employment opportunities within the County. An owner or an operator of a business, (in particular a small business or a self-employed person), may have carried out development not knowing that planning permission was required. The cost of responding to any legal action may prejudice the financial well being of such a business. The Council will consider this when both determining whether to pursue enforcement action and, also, when considering it expedient to do so, the time scales and course of action to be applied.

3.46 The Council will aim to explore with the developer whether the business can be allowed to operate on the site, perhaps less intensively. This will be with a view to granting a mutually acceptable conditional planning permission enabling the owner to continue his business at the site without harm to issues of planning policy or local amenity. Similarly if an application is not forthcoming then the potential to 'under enforce' as discussed at 3.40 will be fully considered. This will ensure that only the minimum steps required to be taken are those required to undo the planning harm arising (for example reduce the extent / height of a storage area or reduce operational hours).

3.47 Where relocation of a business is, however required, the Council will aim to agree a timetable for relocation which will minimise disruption to the business and, wherever possible, avoid any permanent loss of employment as a result of relocation. The Council as Local Planning Authority will consult with its partners, including colleagues in the Economic Development Team to provide appropriate advice and assistance in terms of potential alternative premises, relocation grants etc. Indeed Economic Development Officers should be involved at an early stage in all dealings with a business when it becomes apparent to the Case Officer that formal enforcement action may be required to be undertaken.

3.48 However if a mutually satisfactory compromise cannot be reached then the Council will attempt to make its intentions clear, at the outset, to the owner. Formal enforcement action shall never come as an unexpected action to a business.

3.49 When serving an Enforcement Notice on a business the Council shall give sufficient time to comply with the requirements of the Notice. The Council will also consider a relaxation of any requirement or compliance period if special circumstances allow and the harm caused by the breach of control is not giving rise to serious amenity concerns. This may make the difference between allowing a business to continue operating and compelling them to cease trading.

- **Cases of Special Treatment - 2) Householders**

3.50 As discussed above (para 3.14) the Council recognises that householders may have initiated unauthorised development on the basis of ignorance of the planning system, or on the basis of flawed advice from a builder / contractor. Similarly householders may not have access to independent professional planning advice or may have commenced development that they felt was Permitted Development under the Provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

3.51 If planning permission is required for the unauthorised works, the Council will take particular care in assessing the development in accordance with legislation. Adequate time will be given to householders to rectify the breach. Except in the cases of the most severe breaches of control, which give rise to serious harm, the Council will always invite, without prejudice, the submission of a retrospective planning application for householder development in order to allow the matter to be assessed impartially and following due process. However, Officers will ensure it is clear that any such invitation is provided without prejudice to the Council's formal consideration of any application.

3.52 In considering whether to take enforcement action, the Council shall have full regard to what would be permitted if development had been applied for and carried out in the normal manner. The Council will not normally consider it expedient to take enforcement action in order to remedy what might be professionally considered to be only a slight variation in excess of what would have been permitted by virtue of the current permitted development rights provisions.

- **The Initiating of Prosecution Proceedings**

3.53 In the event of the requirements of a Notice not being complied with within the period for compliance the Council will ordinarily look to take the appropriate action to ensure compliance with its terms. This will include prosecution proceedings being taken and / or the taking of direct action by the Council. However, In all cases, and notwithstanding the existence of a strict liability offence Officers will need to consider the public interest test prior to the initiation of any further action. In such cases advice will be sought from colleagues in the Council's Legal Service Team.

3.54 In addition, Officers will need to be mindful of any mitigating factors presented by a person responsible for a failure to comply with the terms of a Notice. This is particularly so for the cases of special treatment noted above. For example, if it were the case that a small business which had failed to cease an unauthorised use of a premises within the time scales set by an Enforcement Notice was able to submit proof to Officers that a lease has been signed to relocate to another premises in a matter of days, it would not normally be in the public interest to seek to initiate prosecution proceedings.

3.55 A similar approach will be undertaken to breaches of planning control which comprise strict offences; such as advertisements; works to Listed Buildings; Conservation Area breaches and works to protected trees. In all cases a professional judgement call will need to be made, initially by the Case Officer then verified by the Area Manager as to whether it is expedient to recommend instructing the Council's Legal Services to progress a prosecution in a particular case. In many cases it is likely that the severity of the offence will not justify this course of action and, rather, a negotiated approach, or potentially, the issuing of a formal caution will be considered the more appropriate route.

Effective Community Engagement

4.1 As discussed above (para 2.8) it is considered that effective community engagement is a key part of delivering a responsive, accountable and modern planning enforcement service. Decisions on whether or not to take enforcement action are governed largely by the law and clearly defined material planning considerations and as a result cannot and should not be unduly influenced merely by local perception.

4.2 However, it is important that the service is fully receptive to concerns raised by individual communities in addition to service improvement ideas that are generated from a community level. Furthermore, it is important that Officers are willing to make themselves available to explain to a community the availability of their service and its implications in their locality. The service will look to facilitate close liaison with communities through the following means:

- Ensuring that the responsibility for the decision in relation to complaints made by a community representative (which includes an MP, County Councillor, Town or Parish Council or an AAP) is elevated to the Development Manager and not the area office;
- Ensuring that complaints from a community representative; including an MP, County Councillor or Town or Parish Council or an AAP are given higher priority (at least Category 2 as per para 3.9 above);
- Ensuring that at the request of an MP, County Councillor, Town or Parish Council or an AAP Officers attend local meetings to discuss and debate enforcement issues in the locality, where appropriate, and at the discretion of the Head of Planning or Area Manager;
- Ensuring that as part of the Service Planning cycle for the Planning Service team that Town and Parish Council and AAP views on the delivery of the enforcement service are fully taken into account and holistically assessed to inform service improvement plans; and
- Ensuring the provision of community liaison meetings as part of decisions to grant contentious and significant major development proposals; in particular those relating to minerals and waste development.

Accountability and Performance Management

5.1 As discussed above (para 2.13) it is considered that accountability is one of the key aims of delivering a quality planning enforcement service. Part of accountability means ensuring customers are able to scrutinise the performance of the service.

5.2 Bearing in mind the lack of any set National Indicators for the planning enforcement service it is clearly necessary to develop a suite of local performance indicators. These indicators should ensure a 'broad basket' approach; i.e. they should look not at a single aspect or measure of the service but should look at as wide a range as possible of service delivery issues. It is considered such indicators should focus on the following areas:

- Timeliness (recognising that complainants ordinarily want to see concerns resolved quickly);
- Quality of Service (recognising that the service should strive to make the correct decisions in relation to the need for enforcement action); and
- Customer Satisfaction.

5.3 To gain the necessary intelligence to enable these three areas of the service to be accurately measured it is recommended that the following Local Performance Indicators are established.

Timeliness

- Percentage of Category 1, 2 and 3 complaints responded to within target response times: Target: 90%
- Percentage of cases unresolved* after 100 working days: Target <20%

Quality of Service

- Percentage of Enforcement Appeals Allowed: Target <25%
- Percentage of prosecutions won: Target: 90%

Customer Satisfaction

- Percentage of complainants satisfied with service: Target: 90%
- Percentage of Town and Parish Council's satisfied with Planning Enforcement Service in their locality: Target 90%

* No account should be taken of time accrued between date of the submission of a retrospective application or appeal and its subsequent determination.

5.4 The PI returns will be reported to the Planning Committee meetings of the Authority on a quarterly basis (as part of over arching reports on the Development Management service). In addition to this Members of the Area Planning Committees will be presented with a quarterly list of cases under investigation for their locality. It will be necessary to carry out an annual local customer survey to collate the data for Customer Satisfaction.

Complaining About the Enforcement Service

6.1 Part of ensuring the achievement of the key aims of the service; in particular those of accountability and strong customer focus, requires adopting an open and transparent approach to dealing with complaints.

6.2 The Planning enforcement service is invariably a highly contentious area of the Council's work. Complaints can be received from customers who feel aggrieved that an investigation has not been progressed as speedily as they would have liked. Conversely complaints can be received from persons at whom an investigation is directed who feel the Council may have been over zealous in its actions.

6.3 In all cases customers seeking to make a complaint about the service will initially be encouraged to discuss their concerns with the Case Officer. The Case Officer may be able to explain why their particular aspiration has not been met.

6.4 However, if this does not satisfy a complainant then they will be invited to address their concern to the Area Manager. Upon receipt of a complaint the Area Manager will ensure the issues raised are properly investigated and thereafter that the response is issued to the complainant within the Council's corporate standard for complaints. For complaints that cannot be resolved in this manner the customer will be invited to escalate their complaint to the Head of Planning. Thereafter if the matter is still unresolved the complainant will be invited to pursue their complaint through the Local Government Ombudsman.

6.5 The Development Manager will be responsible, through the Area Managers, for keeping abreast of the nature of complaints, to ensure any commonly occurring reasons are considered as part of future service reviews.



Public speaking at Durham County Council's Central and Area Planning Committee's

How will interested parties find out about the committee date?

A letter will be sent to all those that have made representations on an application, and to the agent / applicant to advise them of the date of the committee meeting

When do interested parties have to register to speak?

No later than noon on the last working day prior to the meeting

Who do they register to speak with?

Speakers will be required to register with the Planning Services Team dealing with the application

How do interested parties register to speak?

Requests can be made by telephone, Email or letter.

What happens if the someone wishes to speak at the meeting but has not registered to do so?

Anyone that turns up to speak but has not registered, or wishes to register after the deadline will not be allowed to address the meeting.

How long would interested parties be allowed to speak for?

Each group of speakers (objectors and supporters) will be allowed to speak for 5 minutes. If more than one individual wishes to speak the time will be divided.

Would the same procedure apply to all of the committees including the Strategic Planning Applications Committee?

Yes, all of the committee will operate in the same way.

Will there be an opportunity to speak for longer in contentious cases?

This will be at the discretion of the chair and will only be allowed in exceptional circumstances. If additional time is allowed the same amount of time must be made available to the opposing party in the interests of equality.

What will happen if more than one person would like to speak?

Speakers will be encouraged to appoint a spokesperson.

What is the order of speakers?

The Parish / Town Council representative will be invited to speak first followed by the objector(s) and then the applicant or supporters.

Can supporters address the committee where the application is recommended for approval and there are no speakers against the proposal?

Yes, applicants / supporters will be allowed the opportunity to address the committee regardless of the recommendation and whether objectors have registered to speak.

Will the applications on which there are speakers be brought forward to the beginning of the meeting?

Where there is a request to speak applications will be brought forward to the beginning of the meeting in the order on which they appear on the agenda.

Can the speakers ask questions during their presentation?

Although the speakers may ask questions during their presentation there is no obligation on Officers or Members to respond.

Can the committee ask the speakers questions?

Members of the committee will be allowed to ask the speakers questions to clarify specific points but this is not used as an opportunity to allow further public speaking beyond the prescribed time limits.

Can the speakers circulate material at the meeting?

Photographs can be circulated at the committee however a copy will need to be kept by the Council for the application file. In order to ensure that each member of the committee is able to view the information provided, speakers will be required to provide one copy for each member plus four additional copies by noon on the day before the committee.

Can documents be circulated at the meeting?

Speakers at the meeting cannot circulate documents other than a written copy of their presentation.

Can the speakers use the Council's Information Technology (IT)?

Speakers can use the Council's IT systems however they must ensure that the necessary information is provided by noon on the day before the meeting in order that it can be uploaded onto the Council's system and its content checked.

Can speakers address the meeting on items other than Planning applications?

Speakers will be allowed on other matters with the exception of enforcement.

Can an interested party ask for speaking rights on a delegated application?

A request for public speaking will NOT transfer a delegated application for a committee item.

Act: the Planning & Compulsory Purchase Act 2004.

Annual Monitoring Report (AMR): part of the County Durham Plan (Local Development Framework), the Annual Monitoring Report will assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being successfully carried out.

Area Action Plan: used to provide a planning framework for areas of change and areas of conservation. Area Action Plans will have the status of Development Plan Documents.

Community Engagement and Involvement Strategy: will develop a council wide approach to community engagement and involvement in all services the council provides.

Core Strategy: sets out the long-term spatial vision for the local planning authority area, the spatial objectives, and strategic policies to deliver that vision and those objectives. The Core Strategy will have the status of a Development Plan Document.

Corporate and Best Value Performance Plan: sets out the Council's vision, aims, values, priorities, and proposals to achieve the Sustainable Community Strategy.

Development Plan: as set out in Section 38(6) of the Act, an authority's development plan consists of the relevant Regional Spatial Strategy and the Development Plan Documents contained within its Local Development Framework.

Development Plan Documents (DPD): spatial planning policy documents that are subject to independent examination, and together with the relevant Regional Spatial Strategy, will form the development plan for a local authority area for the purposes of the Act. They can include a range of documents. The County Durham Local Development Scheme (May 2010) Plan currently proposes that the County Durham Plan will contain a Core Strategy DPD, Development Management DPD, Development Management Allocations DPD, Gypsy and Traveller DPD and a Minerals and Waste Policies and Allocations DPD. The spatial implications of these DPDs will all be shown geographically on an adopted proposals map. Individual Development Plan Documents or parts of a document can be reviewed independently from other Development Plan Documents.

Local Development Document (LDD): the collective term in the Act for Development Plan Documents, Supplementary Planning Documents, and the Statement of Community Involvement.

Local Development Framework (LDF): the name for the portfolio of Local Development Documents. In County Durham this is known as 'The County Durham Plan'. It consists of Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs), a Statement of Community Involvement (SCI), the Local Development Scheme (LDS) and Annual Monitoring Reports (AMRs). Together, these documents will provide the framework for delivering the spatial planning strategy for a local authority area.

Local Development Scheme (LDS): a project plan that sets out the programme for preparing Local Development Documents.

Proposals Map: the adopted proposals map illustrates on a base map (reproduced from, or based upon a map base to a registered scale) all the policies contained in Development Plan Documents. It must be revised as each new Development Plan Document is adopted, and it should always reflect the up-to-date planning strategy for the area.

Regional Spatial Strategy (RSS): sets out the region's policies in relation to the development and use of land, and forms part of the development plan for local planning authorities.

SEA Bodies: The three Strategic Environmental Assessment (SEA) bodies are the Environment Agency, Natural England and English Heritage. These bodies must be consulted on the Council's Sustainability Appraisal Reports.

Statement of Community Involvement (SCI): sets out the standards which authorities will achieve when they involve local communities in the preparation of local development documents and in development management decisions.

Strategic Environmental Assessment (SEA): a generic term used to describe environmental assessment as applied to policies, plans and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.

Supplementary Planning Documents (SPD): provide supplementary information about the policies in Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability Appraisal (SA): a tool for appraising policies to ensure that they reflect sustainable development objectives (that is social, environmental, and economic factors). Councils must carry out Sustainability Appraisals for all Development Plan Documents and Supplementary Planning Documents.

Sustainable Community Strategy: local authorities are required by the Local Government Act 2000 to prepare these, with the aim of improving the social, environmental, and economic well being of their areas. Through the Sustainable Community Strategy, authorities are expected to co-ordinate the actions of local public, private, voluntary, and community sectors. Responsibility for producing Sustainable Community Strategies may be passed to Local Strategic Partnerships, which include local authority representatives.

To find out more about the new ‘Statement of Community Involvement’ contact:

Write to: Spatial Policy Team,
Durham County Council,
County Hall,
Durham,
DH1 5UQ

Telephone: 0300 026 0000

Email: spatialpolicy@durham.gov.uk

Website: www.durham.gov.uk/cdp

Interactive Website: <http://durhamcc-consult.limehouse.co.uk/portal/planning>

Please ask us if you would like this document summarised in another language or format.

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