



# Consultation Draft

# Statement of Community Involvement

July 2023

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# 1 Getting involved in planning

## What is the Statement of Community Involvement?

- 1.1 The Statement of Community Involvement (SCI) sets out how the council will involve the community and other stakeholders in the two main planning functions of preparing a local plan (or other planning policy document) and the consideration of planning applications. This document will set out:
- What will be consulted upon;
  - Who we will consult;
  - When the council will consult; and
  - How the Council will consult (methods used to consult).
- 1.2 The SCI also provides information about:
- the role of elected councillors, parish and town councils and voluntary and community groups in planning matters;
  - who you can contact for assistance in planning matters, and
  - what will be expected of you when you make comments and how those comments will be presented.
- 1.3 The SCI is a statutory planning document and applies to the whole of the North Yorkshire Council area. North Yorkshire Council is the local planning authority for the whole of the unitary area of North Yorkshire (excluding the two national park authority areas).

## Legal requirements

- 1.4 The Department for Levelling Up, Housing and Communities (DLUHC) is the Government department with responsibility for creating great places to live and work, and for giving more power to local people to help shape what happens in their area.

- 1.5 The legal requirements for consultation and engagement are set out by the Government in legislation and guidance<sup>1</sup>.
- 1.6 There is a clear emphasis throughout national policy on encouraging early and consistent community involvement. The [National Planning Policy Framework \(NPPF\)](#) and the online Planning Practice Guidance encourage front-loading engagement and co-operation with the community so that local plans reflect a collective vision and agreed set of priorities. They also highlight the importance of early community engagement before planning and other applications are submitted.
- 1.7 Specifically for plan making, The [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) sets out the steps for the production of local plans and supplementary planning documents. It includes who is to be included at each consultation and which documents are available at each stage of the process.
- 1.8 Similarly for planning applications, The [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) sets out the procedure to be followed by local planning authorities when processing planning applications: from receipt of the application to the decision being issued and recorded.
- 1.9 The duty to cooperate was introduced in 2011 by the Localism Act and places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis with other duty to cooperate bodies to maximise the effectiveness of local plan preparation relating to strategic matters. The duty to cooperate is not a duty to agree but local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their local plans for examination. The duty to cooperate applies to strategic issues, which have significant impacts affecting two or more local authority areas. The council's participation in cross-

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<sup>1</sup> This includes but is not limited to the [Planning and Compulsory Purchase Act 2004 \(section 18\)](#) (as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017), the [Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017](#) and The [Neighbourhood Planning Act 2017](#)

boundary planning with its duty to cooperate partners, which include neighbouring authorities, two national park authorities and a number of local enterprise partnerships will be an ongoing process throughout the preparation of the local plan.

- 1.10 A statement of common ground is also prepared to set out the key strategic cross-boundary matters that need to be addressed between adjoining authorities. It will detail where cooperation is and is not happening in the plan making process.
- 1.11 If legal requirements alter the participation and engagement requirements for the planning service, any consultation and engagement will be in line with the new legislation until the Statement of Community Involvement is revised.

### What do you mean by “community”?

- 1.12 By “community”, we mean the individuals, groups, organisations, businesses, parish and town councils, Statutory and non-statutory agencies, landowners, developers and agents that live, work, visit, operate or have an interest in North Yorkshire. Being involved in planning allows the “community” to potentially influence the way the area will change over time.

### The council’s approach to community Involvement

- 1.13 The Statement of Community Involvement is a key part of the Council’s overall approach to community engagement and reflects the Council’s vision as set out in the adopted [Council Plan \(2023-27\)](#). The new Council Plan sets the ambition to build on North Yorkshire’s natural capital, strong local economy and resilient communities, to improve the way local services are delivered and support a good quality of life for all. The Council Plan sets out that it will carry out effective community engagement and encourage participation by our communities.

### Why involve me in planning?

- 1.14 We believe that everyone should have the opportunity to have their say in shaping their environment at the earliest opportunity. Consultation and engagement with the relevant consultees and any interested parties is an

essential part of the planning process. It informs the production of new planning policy documents and the consideration and determination of planning applications submitted to the council. Planning should be an inclusive process and the Statement of Community Involvement sets out when and how everyone will have the opportunity to express their views and comments at the relevant and appropriate times.

## How will you involve me?

- 1.15 Advertising and notification of forthcoming opportunities to be involved is essential. The different methods to be employed for consultation and engagement opportunities are set out in the relevant parts of this document. The council recognises that consultees have differing interests, needs, experiences and varying skills for involvement, which could cause conflict and present barriers to effective engagement and consultation. Therefore, the approaches used will be tailored to different audiences. A glossary of planning terms is provided as an appendix to this document. In line with the [guidelines](#) produced by the [Royal Town Planning Institute \(RTPI\)](#), the Council will work to identify, acknowledge and overcome barriers to consultation as part of our engagement processes. Barriers may include:
- specific issues or topics;
  - a particular method of engagement employed, or
  - a particular document and how it relates to a particular group of the community.

## Equalities Impact Assessment

- 1.16 An assessment under the equalities regulations may be appropriate and a requirement for some planning policy documents. Equality Impact Assessments (EQIA) have been developed as a tool for ensuring that equality, social inclusion and community cohesion issues are considered when drawing up policies.
- 1.17 An Equalities Impact Screening assessment accompanies this Statement of Community Involvement.



## Equalities duty

1.18 The Public Sector Equalities Duty (section 149 of the [Equalities Act 2010](#)) requires local authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010. The Act also encourages participation in public life or in other activities where the participation by people from protected groups is disproportionately low.

## Resource implications

1.19 The obligation to engage and consult with stakeholders and members of the public is greater than ever before, but the council has a limited level of resources. Every effort will be made to ensure that the best use is made of available staff time and resources. Methods of consultation and engagement will be tailored to the situation. We will favour methods that are the most effective in involving people in the planning process and will not use methods just because we are expected to if those methods have been shown to have limited effectiveness.

1.20 In order to improve efficiency, the council will make use of electronic communication tools and build upon existing communication channels wherever possible. The council will engage, involve and consult on planning matters in line with the latest regulations and guidance as appropriate and relevant.

## What will be expected of me?

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

- comment within the specified time period<sup>2</sup>;
- provide comments in a clear and succinct format, ensuring that representations relate to the issues and documents being consulted upon;
- be aware that your comments with your name attached (for local plan and planning policy consultations) will be made publicly available with personal and sensitive information redacted in line with the privacy notices

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<sup>2</sup> If there are specific reasons why a response cannot be provided within the set period please contact the planning office to determine if a reasonable extension can be agreed.

for [Planning Policy](#) consultations and [Development Management](#) (included within the Planning Services' privacy notice) ;

- be understanding and respectful of alternative views. We have a zero tolerance of abusive language etc. All comments are moderated and any that are considered to fall short of these requirements will be rejected; and
- if you are replying on behalf of a group or organisation, consider and explain how members of the group have been involved in formulating the representation. Ensure that the full range of member views is represented and specify where agreement and disagreement exists.

## What is the role of the elected councillors in the planning process?

### North Yorkshire Council division councillors

1.22 There are 90 division councillors in the North Yorkshire Council area. The division councillors represent their respective divisions across North Yorkshire and they listen to residents' concerns and views on planning issues. Division councillors can voice their support or make objections to planning applications in writing and speak at committee on behalf of their constituents. Division councillors can provide access to the public information that they receive and answer queries of the community in their division. They can also request in writing (email) that a planning application is considered by the planning committee rather than being considered under delegated powers, if valid planning reasons are given for this request. Such requests are at the discretion of the Director of Community Development and the Chair of the relevant committee.

1.23 Division councillors can be accessed through a number of methods, which include;

- email;
- division surgeries;
- public meetings; and
- consultations.

1.24 The role of locally elected division councillors in representing the views and concerns of residents in the planning process is very important. However, your views can only be formally taken into account when you make them in

writing to the Council within the specified time for a particular consultation.

You can check the contact details of your local division councillor on the [North Yorkshire Council website](#).

### Parish and town councillors

- 1.25 Parish and town councils play a vital role in community involvement in the planning system and the production of neighbourhood plans. Parish and town councillors can comment on particular planning applications or the preparation of policy documents that may affect their area. They may request to speak at planning committee with respect to planning applications being considered in their parish or town. Parish and town councils have an important role when identifying priorities in their areas and provide a valuable means of sharing information about the planning process to their local community. This is particularly important for when parish and town councils produce a neighbourhood plan. More information on neighbourhood plan production is in Section 2 of this document. For more information on your parish or town council, see the [North Yorkshire Council website](#).

### What is the role of voluntary and community groups?

- 1.26 We believe that everyone should have the opportunity to be actively involved in decisions that affect them and their community. Voluntary and community groups are encouraged to be involved in planning matters and can represent their members. Please see the following sections for how to register to be involved in planning policy documents and planning applications.

### “Less well-represented” groups

- 1.27 We are aware that some people and groups are less well-represented or thought to be ‘hard to reach’. We also understand that particular groups may have specific areas of interest or a limited capacity for involvement. Every opportunity will be taken to add to our awareness of such groups, to increase engagement and to identify issues and policies that are likely to be of particular concern and we welcome proactive suggestions to increase such engagement. Documents and information will be made available in alternative formats upon request.

## Can planning officers help me?

1.28 North Yorkshire Council employs planning officers who are based at various locations across North Yorkshire. They provide specialist professional planning advice to the council and the community as necessary. They are responsible for:

- producing the local plan and other planning policy documents;
- providing advice on planning policy;
- leading the consultations regarding draft planning documents and the consideration of comments made;
- implementing and enforcing requirements under the Community Infrastructure Levy (CIL)<sup>3</sup> regulations
- providing pre-application advice
- assessing planning and other related applications in accordance with the:
  - adopted development plan
  - National Planning Policy Framework
  - any other material considerations including consultation responses and representations.
- considering reports of breaches of planning permission
- providing planning enforcement

### Contact the planning officers via:

By email: ***[Insert email(s)]***

By post: ***[Insert address(es)]***

By telephone: **0300 131 2 131**

**For specific queries, you can contact the planning officers or visit the webpages below for:**

[Do I need planning permission and pre-application advice](#)

[Local Plan and Planning Policy](#)

[Planning enforcement](#)

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<sup>3</sup> As of April 1<sup>st</sup> 2023 CIL is not collected authority-wide. The areas of the former districts of Hambleton, Harrogate, Ryedale and Selby are covered by CIL requirements.

## Where else can I go for help?

### Planning Aid England

1.29 Planning Aid England is a voluntary organisation linked to the Royal Town Planning Institute (RTPI). Through its network of volunteers who are chartered town planners, it can provide independent and impartial advice. For further information please contact [RTPI | Planning Advice](#).

### Other organisations

1.30 You may want to appoint a planning consultant to act on your behalf when dealing with the council on planning matters. The planning consultant will act as your agent to submit your planning application or provide comments on a planning policy document. The Royal Town Planning Institute (RTPI) maintains a list of [Planning Consultants](#).

## Reviewing the Statement of Community Involvement

1.31 In line with current Government legislation (The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017), once adopted, the Statement of Community Involvement will be reviewed at least every 5 years. The need to review the Statement of Community Involvement will be considered on an annual basis and will be reported in the annual authority monitoring report (AMR).

1.32 The need to review will be assessed if there have been any changes to legislation or government advice affecting the Statement of Community Involvement as well as if there has been a particularly low level of community involvement in planning policy document consultation

1.33 Any necessary changes will be incorporated into a future version of the Statement of Community Involvement. This will ensure that the Statement of Community Involvement remains appropriate and effective in involving the community in the various planning processes.

## 2 Influencing the local plan and planning policy

- 2.1 This section explains how and when you can be involved in influencing and informing the production of the development plan and other planning policy documents in North Yorkshire. Planning applications are determined in accordance with the development plan and national planning policies. Legislation sets out which development plan documents need to be in place, the processes for the production of those documents and the minimum requirements for involvement in their production.
- 2.2 North Yorkshire Council is responsible for producing the following development plan documents:
- Local plan documents including the policies map
  - Minerals and waste local plan
  - Design codes
  - Supplementary planning documents
  - Development briefs
  - Guidance notes
- 2.3 North Yorkshire Council supports the production and development of neighbourhood plans [*insert link to NYC Neighbourhood Plan page*] (generally led by parish and town councils)
- 2.4 In line with the legislation as the development plan is prepared, various supporting and evidence documents may need to be produced by the North Yorkshire Council to inform the policy direction. These can include:
- Sustainability Appraisal / Habitats Regulations Assessment
  - Duty to Co-operate Statement
  - Statement of Common Ground
  - Infrastructure Delivery Plan
  - Equalities Monitoring Assessment
  - Technical studies to provide detail for the policy direction
  - Consultation Statement

- 2.5 The development plan also has to be produced in line with the following procedural documents:
- Local Development Scheme (the timetable for document production)<sup>4</sup>
  - Statement of Community Involvement (the engagement and involvement procedures to be undertaken)
- 2.6 The council is also responsible for the implementation of the Community Infrastructure Levy where this had previously been adopted within the former districts<sup>5</sup>

### When will you involve me in preparing planning policy documents?

- 2.7 The key stages for involvement in the production of planning policy documents are set out by the Government in planning legislation and guidance. This is to ensure that the planning process is inclusive, open and transparent. The opportunities to be involved and provide comments are dependent on the type of planning policy document being produced. However, the stages for involvement are designed to ensure that you can be involved from the earliest opportunity of planning policy preparation. These stages can provide you with various opportunities to be involved and potentially influence the content and direction of a planning policy document.
- 2.8 The council will also involve the community in the preparation of documents when regulations do not apply and where consultation is not a legal requirement, but is encouraged. For example, consultation on conservation area appraisals and designations. The council will take a proportionate approach to community involvement having regard to the general approach taken in the regulations set out in the paragraph above and other guidance provided by relevant organisations and statutory consultees, such as Historic England.

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<sup>4</sup> The LDS is subject to change over time so please check regularly for updated timescales for plan production.

<sup>5</sup> Hambleton, Harrogate, Ryedale and Selby

## How will I know when I can be Involved?

2.9 In line with the latest legislation and guidance, and depending on the stage of production of the policy document, the council will use various methods to publicise the opportunities to provide comments and the opportunities to be involved:

- announcements on the council website
- notifications for those registered on the council's planning policy portal. This is the most reliable method of ensuring that you are made aware of opportunities to provide comments and be involved in the production of planning policy documents. To register yourself please visit the ***[Insert link to the NYC Planning Portal]*** and click Login/Register.

2.10 In addition to the statutory requirements set out in legislation, the Council may use the following methods:

- press releases (which may be ran by local media outlets)
- announcements in the local press - public notices section
- announcements on social media
- posters on Notice Boards and at community meeting places
- leaflets

2.11 You can also check the [Planning Policy](#) website for progress on the production of the various Local Plan and planning policy documents.

## How will you contact me?

2.12 The Council will notify those registered on the planning policy consultation portal. Once you are registered, you can choose how you want to be contacted by the council on planning policy matters. The quickest and easiest method is by email, but you may prefer a letter in the post or to be informed through emerging digital technologies (e.g. social media). To be registered for notifications of opportunities to be involved please click ***[Here - Insert link to the NYC Planning Portal]***. Alternatively, you can contact the



Council via:

- email at: ***[Insert Email]***
- post at: ***[Insert address]***
- phone: **0300 131 2 131**

2.13 If you register to be involved in local plan and planning policy process we will have to process your personal data including your name and contact details. It is important that you understand how we do this, how and when we may contact you, the manner in which any comments you make are publicised and how long we will retain your data. This is set out in Appendix 2.

### Availability of documents and information

2.14 All relevant documents and information will be made available on the [Planning Policy website](#) and ***[Insert link Planning Portal]*** in line with the latest regulations and guidance. Once registered, you are encouraged to access and view the available documentation via the planning policy consultation portal. During consultation and participation, paper copies of documents will be made available to view at locations including council offices and libraries and drop-in sessions/events/exhibitions may be arranged as necessary. If you have particular access requirements that cannot be overcome by IT software then please contact us for how we can help you access these documents and be involved in the consultation.

### How do I make my comments?

2.15 Accessing the documentation via the planning policy consultation portal will permit you to respond directly to specific questions or provide comments on text in the relevant document(s). You can still make your comments by downloading, completing and submitting a comment form attached to an email or letter, if you prefer. You can email or post them to the address above, but we would prefer you to use the planning policy consultation portal as this helps us to respond quicker and provides you the following additional benefits:

- allows you to save your draft comments;
- keep track of the status of comments; and

- upload documents to support any comments you make.

## How will you respond to me?

- 2.16 Receipt of your comments on planning policy documents will be acknowledged via the planning policy consultation portal. The council will not respond individually and directly to any points you make. A consultation statement will be produced and will be available on the council's website in line with the guidance available. The consultation statement will set out what the council consider to be the 'key issues' and responses to these matters holistically as opposed to addressing individual comments. It will also set out how the issues raised have been addressed.
- 2.17 All correspondence on the local plan will be in line with our corporate service standards and any regulations that guide the local plan and planning policy document process.

## What are the emerging local plan and planning policy documents?

- 2.18 For consultation and engagement opportunities on the emerging local plan and other development plan documents please see the [planning policy website](#).

## How will I know when there are opportunities to be involved?

- 2.19 The Local Development Scheme **[Insert link]** sets out the timetable for the production of planning policy documents. The Authority Monitoring Report will set out any emerging trends and highlight if consideration needs to be made to addressing any identified issues in the emerging North Yorkshire Local Plan.
- 2.20 You can register your details on our consultee database here **[insert link Planning Portal]** and you will be notified of appropriate consultation events.

## How can I get involved in the preparation of a local plan?

- 2.21 There are prescribed stages for when a local plan is available for comments to be made. For more detail please see Table 1 (overleaf) and the [Town and](#)

[Country Planning \(Local Planning\) \(England\) Regulations 2012](#). Table 1 sets out the key informal and formal opportunities for the community to be involved in the preparation of a local plan. This is the minimum required by the regulations<sup>6</sup>.

- 2.22 The timetable for a new emerging local plan or an amendment / revision to a local plan will be set out in the Local Development Scheme. Progress on the local plan will be set out annually within the Authority Monitoring Report. You can become involved in the preparation of a local plan at any stage, but you have more opportunities to influence its policy direction during the early stages (the pre-publication preparation stage).

*Table 1: The stages of local plan<sup>7</sup> preparation*

<b>Local plans</b>		
<b>Preparation stage</b>	<b>What is involved?</b>	<b>How you can be involved</b>
<b>Stage 1</b> Development of evidence base	Background research and evidence gathering to inform the emerging plan.	Informal engagement
<b>Stage 2</b> Preparation of Local Plan (Regulation 18)	The council will inform the community that the local plan is being produced and ask for views on the scope of the plan, options and finally preferred options. This stage in the plan making process is likely to require a number of methods of consultation, including a six-week period of consultation on a preferred option draft local plan when comments will be invited.  A sustainability appraisal scoping report will be prepared and consultation will be carried out with the Environment Agency, Natural England, Historic England.	Formal consultation – submit comments
<b>Stage 3</b>	After taking into account the comments received on the (Regulation 18)	Formal Stage

<sup>6</sup> Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

<sup>7</sup> The main documents for North Yorkshire council are the NYC Local Plan and the Minerals and Waste Plan. The latter of these may be produced jointly with the North York Moors National park Authority and the City of York Council.

<p>Publication of the Local Plan (Regulation 19 &amp; 20)</p>	<p>preferred options draft plan, the Publication Draft Local Plan is formally published for a six-week period to allow representations to be made. Representations made will be considered during the independent Examination in Public.</p> <p>Consultees are asked to complete a standard representation form, to indicate whether in their view the plan is legally compliant and 'sound' or not and to give their reasons. The Council will ask those who respond if they wish to be kept informed of the progress of the document as it is submitted, examined and adopted and if they want to hear at the hearing sessions.</p> <p>A sustainability appraisal report will also be prepared, published &amp; consulted on alongside the Publication Local Plan.</p>	<p>– submit representations</p>
<p><b>Stage 4</b> Submission to the Secretary of State (Regulation 22)</p>	<p>The draft local plan will be submitted to the Secretary of State for examination together with the:</p> <ul style="list-style-type: none"> <li>• submission policies map (if appropriate);</li> <li>• sustainability appraisal report; and</li> <li>• consultation statement detailing the main issues raised in the representations received in stages 2 &amp; 3 and how issues raised in stage 2 have been addressed.</li> </ul> <p>Copies of any representations made at stage 3 and any other relevant supporting documents will be submitted.</p> <p>The council will notify those persons who have requested to be notified that the submission documents are available for inspection.</p>	<p>Inspection of documents available – no comments at this stage.</p>
<p><b>Stage 5</b> Independent examination (Regulation 24)</p>	<p>An examination is held by an independent Inspector. The Inspector will assess the soundness of the Local Plan.</p> <p>Any consultee who made a representation (objecting to the plan) at stage 3 (Regulation 19 &amp; 20) and</p>	<p>Formal – attendance at Examination</p>

	<p>indicated that they wish to attend the public hearings will be informed of the date, time, venue and format of the hearings and be entitled to be heard at the examination.</p> <p>Any main modifications the Inspector considers necessary to make the plan sound would be subject to sustainability appraisal and consultation.</p>	Formal consultation – submit representations on any main modifications only.
<b>Stage 6</b> Publication of the Inspector's report (Regulation 25)	The local authority publish the inspector's recommendations and give notice to all persons who requested to be notified that the recommendations are available.	Notification only.
<b>Stage 7</b> Adoption (Regulation 26)	<p>If the inspector finds the local plan sound (with or without main modifications), the Council will then decide whether to adopt the local plan or not.</p> <p>Subject to agreeing to adopt, the local planning authority publish the adopted local plan, the adoption statement, the sustainability report and informs those who have been asked to be notified of its adoption.</p>	Notification only.

### Preparation of a local plan (Pre-publication preparation - Reg 18)

2.23 At this stage, the council will undertake a period of research that will form the evidence base. Pre-preparation can include scoping reports, issues & emerging options, further evidence, and preferred options. Not all of these may be necessary for the preparation of all local plan documents. Formal engagement with the community, organisations and interested parties will take place at this stage. The council will consider all relevant comments and prepare a draft document.

### Publication of a local plan (Reg 19)

2.24 This is the first formal stage and is when the council publishes what it thinks should be the final version of the local plan. The council will notify and invite all stakeholders to comment at this stage by the published deadline in line with the regulations. Local plans are examined to assess whether they have

been prepared in accordance with legal and procedural requirements, and whether they are sound. Comments, or representations as they are known at this stage, must be made in relation to these legal and procedural tests to ensure that the local plan on adoption is considered sound.

- 2.25 For comments to be duly made they must be received within the published timescale. Comments will be summarised and sent to the appointed inspector. Late comments may not be considered by the inspector.

#### Submission of a local plan (Reg 22)

- 2.26 The council must then submit the publication draft of the local plan, the supporting information and all the comments received at the publication stage to the Secretary of State. No further comments can be made at this stage.

#### Examination (Reg 24)

- 2.27 All comments / representations made at the formal publication draft stage will be considered at the examination by a planning inspector appointed by the Secretary of State. If you, your organisation or your representative has made a formal representation (that the plan is not sound or legally compliant), you may be given the opportunity to be present at the formal hearing sessions, if such matters are to be covered by the Inspector.
- 2.28 Following the close of the examination hearings, the planning inspector will prepare a report and recommendations that may require changes to make the draft local plan 'sound' for adoption. There will be consultation on any main modifications proposed by the planning inspector. Plans are only considered 'sound' if the Inspector considers it meets all the legal and procedural requirements and the 'tests of soundness'.<sup>8</sup>

#### Adoption (Reg 26)

- 2.29 The council will consider the recommendation including any main modifications required of the planning inspector. The council can then decide either:

- to adopt the local plan (with all the required main modifications); or

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<sup>8</sup> The tests of soundness are (as of April 1, 2023) that the plan must be (1) positively prepared (2) justified (3) effective and (4) consistent with national policy. More information is provided at Para 35 of the [NPPF](#).

- to not adopt the local plan.

2.30 Subject to a decision being made to adopt the local plan, the adoption statement will be sent to all those who have asked to be notified and to the Secretary of State. Further guidance and information regarding the examination process is available on the Planning Inspectorate [website](#).

## How can I get Involved in the preparation of other planning policy documents?

2.31 The council produces other planning policy documents. You can be notified and involved in their preparation if you have indicated on the planning policy consultation portal that you wish to be notified of opportunities to be involved. Other planning policy documents include supplementary planning documents.

### Supplementary planning documents

2.32 Table 2 below sets out the key informal and formal opportunities for the community to be involved in the preparation of supplementary planning documents (SPDs). This is the minimum required by the regulations<sup>9</sup>. Opportunities to be involved are at the preparation stage of policy formulation, are usually for those potentially affected by the implementation of the SPD, or for those with a specialist interest in the subject of the SPD.

*Table 2: The stages of SPD preparation*

<b>Supplementary Planning Documents (SPDs)</b>		
<b>Preparation stage</b>	<b>What is involved?</b>	<b>Type of community involvement</b>
<b>Stage 1</b> Public participation on the draft SPD (Regulation 12)	The council will carry out targeted consultation and ask for views on the draft SPD. Screening reports are prepared and published to determine whether the SPD should be subject to a SEA and/or HRA Appropriate Assessment.	Informal engagement – submission of comments.

<sup>9</sup> Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

	The council will publish invite comment on screening reports from key statutory consultees.	
<b>Stage 2</b> Invite representations on the draft SPD (Regulation 13)	The council will prepare and publish a consultation statement detailing the main issues raised in the comments received in stage 1 above and how those issues have been addressed in the draft SPD. The council will formally consult on the draft SPD for at least a four-week period to allow representations to be made. The council will notify those who respond when the SPD is adopted.	Formal consultation – submit representations
<b>Stage 3</b> Adoption (Regulation 14)	The council adopts the SPD, makes the adopted SPD and adoption statement available and informs those who have been asked to be notified of its adoption.	Notification only

### Neighbourhood plans

2.33 A neighbourhood plan gives local communities direct power to shape the development and growth of their local area by building upon the policies in the local plan. Communities can influence where new homes, shops, offices and other facilities are to be built in their neighbourhood, what the new buildings should look like and what infrastructure should be provided.

2.34 Introduced under the Localism Act (2011), a parish or town council will normally lead the production of the neighbourhood plan in your area with support and guidance from North Yorkshire Council. More information about neighbourhood planning can be viewed ***[Insert link to NYC Neighbourhood Plan Page]***. The key stages in the production of a neighbourhood plan are set out in Table 3 below. This sets out the key informal and formal opportunities for the community to be involved in the preparation of neighbourhood plans. This is the minimum required by the regulations<sup>10</sup>.

<sup>10</sup> The Neighbourhood Planning (General) Regulations 2012 (as amended)



Table 3: The Stages of Neighbourhood preparation

<b>Neighbourhood plans</b>		
<b>Preparation stage</b>	<b>What is involved?</b>	<b>Type of community involvement</b>
<b>Stage 1</b> Neighbourhood area designation	An application from the town or parish council or other qualifying body for designation of a neighbourhood area will normally be: <ul style="list-style-type: none"> <li>publicised by the local planning authority (LPA) for consultation for six weeks; or</li> <li>approved without the need for consultation if the area is the whole of the area of a parish council<sup>11</sup>.</li> </ul>	Depending on the area proposed there may be consultation – submit comments on the proposed neighbourhood area
<b>Stage 2</b> Preparing a draft neighbourhood plan	The qualifying body gathers baseline information, engages and consults those living and working in the neighbourhood area, and starts to prepare the draft neighbourhood plan.	Informal engagement – submit comments to the qualifying body
<b>Stage 3</b> Consultation on the draft neighbourhood plan	The qualifying body consults on the draft plan for a minimum of six weeks. The qualifying body consults “consultation bodies”, adjoining parish councils, voluntary bodies, racial, ethnic or national groups, religious groups, persons carrying on business in the area and local residents, as well as North Yorkshire Council.	Formal consultation - submit comments to the qualifying body
<b>Stage 4</b> Submission of the neighbourhood plan	The qualifying body formally submits the neighbourhood plan to North Yorkshire Council, along with the consultation statement, basic conditions statement and other supporting documents and information.	Formal consultation - submit representations
<b>Stage 5</b> Consultation on the submitted neighbourhood plan	North Yorkshire Council consults on the submitted plan for a minimum of 6 weeks.	Formal consultation - submit representations to North Yorkshire Council
<b>Stage 6</b>	The LPA will send the neighbourhood plan together with all the supporting	In exceptional circumstances the

<sup>11</sup> Consultation for 6 weeks is required if the proposed neighbourhood area extends beyond the parish boundary or does not cover the whole parish area; An extended period of consultation may be required if for example the area extends into more than one Local Planning Authority area.

Examination of the neighbourhood plan	documents and representations received at stage 5 to the examiner. The examiner considers the plan taking account of all the supporting information, representations, and national and local planning policy. The examiner sends their report to North Yorkshire Council. The examiner's report will form a view on whether the neighbourhood plan meets the basic conditions. This may include recommendations for modifications. The report will also recommend whether the plan should go to referendum.	examination may include hearing sessions – attend hearing sessions if invited to by the examiner
<b>Stage 7</b> Decision on a plan proposal	North Yorkshire Council will consider the recommendations of the examiner and decide whether the plan will go to referendum.	Notification only
<b>Stage 8</b> Referendum	The council is responsible for organising the referendum. The council must publish an information statement and notice of the referendum and declare the results.	Referendum – residents within the neighbourhood area will be eligible to vote
<b>Stage 9</b> Adoption	If more than 50% of those voting in the referendum are in favour, then the plan must be made/adopted by the North Yorkshire Council. Once made, the neighbourhood plan becomes part of the statutory development plan for the area.	Notification only

## Planning policy documents prepared jointly by North Yorkshire Council and other planning authorities

2.35 The Minerals and Waste Plan will be prepared by North Yorkshire Council jointly with the North York Moors National Park Authority and the City of York Council. It will follow the same procedures as set out in Table 1: The stages of local plan preparation.

## Planning policy documents not prepared by North Yorkshire Council

2.36 A number of statutory planning policy documents are produced by other planning authorities and organisations. We will liaise with the lead authority and where appropriate publicise opportunities to be involved. This includes marine plans.

## 3 Influencing planning applications

- 3.1 This section explains how you can get involved with planning applications that have been submitted to the council. It sets out the ways in which you can comment on planning applications, as well as other forms of consent such as for listed buildings. This section also details what to do if you suspect breaches of planning permission.

### What planning applications does North Yorkshire Council determine?

- 3.3 The process of determining a planning application involves important stages of consultation and community involvement, which are described in the following paragraphs. Some planning applications are “delegated” which means that the planning officer decides the outcome, whilst other applications are determined by the planning committee.
- 3.4 The council is responsible for assessing and making decisions on land use planning applications submitted to North Yorkshire Council. The council’s planning officers determine some planning applications under delegated powers but also advise the council’s planning committees on strategic proposals and other certain types of applications. For full information on the scheme of delegation, which sets out whether an application is considered at planning committee, please see para 9.3 (Page 180) of the [Council's Constitution](#) . They also provide advice on development proposals and deal with any unauthorised development.
- 3.5 Planning applications are split into three basic types defined by the Department for Levelling Up Housing and Communities (DLUHC) as set out in Table 4. Major and minor applications can be submitted as either an outline followed by reserved matters applications, or as a full application from the start. For more details, including guidance and the relevant forms to be used

for the many different types of applications determined by North Yorkshire Council, please see the relevant [website](#) for your area.

*Table 4 – Planning application types*

Application Type	Description	
<b>Major</b>	<p>Residential developments of 10 or more dwellings, or a site area of 0.5 hectares or more.</p> <p>For other proposals, where the floor space being constructed is 1,000 square metres or more, or for a site area of 1 hectare or more.</p> <p>All minerals and waste applications.</p>	<p>Applications can be submitted as:</p> <ul style="list-style-type: none"> <li>• Outline<sup>12</sup></li> <li>• Reserved Matters</li> <li>• Full</li> <li>• Section 73</li> </ul>
<b>Minor</b>	<p>Smaller applications, which do not fall into the category of ‘Other Applications’ for example residential developments of 1-9 dwellings or a site less than 0.5 hectares.</p>	
<b>Other</b>	<p>There are many different other applications which include:</p> <ul style="list-style-type: none"> <li>• permission in principle</li> <li>• householder applications</li> <li>• change of use</li> <li>• work to listed buildings</li> <li>• works to trees that are the subject of protection order or in a conservation area</li> <li>• advertisements</li> <li>• certificates of lawfulness</li> <li>• minor amendments</li> <li>• discharge of conditions</li> <li>• prior notifications</li> </ul>	<p>Prior notification and prior approval applications follow a different procedure to that of other planning applications.</p> <p>Prior notifications require the case officer to give comments on the proposal, rather than to make a formal decision.</p>

<sup>12</sup> Minerals and Waste proposals cannot be submitted as an outline application

	<ul style="list-style-type: none"> <li>• prior approvals</li> <li>• environmental impact screening opinions.</li> <li>• scoping opinions</li> </ul> <p>See the <a href="#">website</a> for the full range of applications.</p>	<p>Prior approvals do require a formal decision.</p>
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3.6 Planning applications within the North Yorkshire Council area are decided in line with:

- National Planning Policy (Framework and Guidance);
- the adopted development plans for the former district authorities of North Yorkshire;
- the Minerals and Waste Joint Plan; and
- any other relevant material considerations.

3.7 In due course, these district local plans will all be replaced by a single local plan for North Yorkshire Council area. A list of relevant planning policy documentation for the former districts that remain a material consideration can be found on the NYC [Planning Policy website](#).

### Material considerations

3.8 Decisions will be taken in accordance with the development plan. Many material considerations are covered within the policies of the development plan and should be taken into account in deciding a planning application.

Material considerations can include (but are not limited to):

- Government policy (such as the National Planning Policy Framework);
- whether the council has a 5-year supply of housing;
- overlooking/loss of privacy;
- loss of light or overshadowing;
- impact on the environment;
- effect on listed building or conservation area;
- nature conservation;

- non-designated heritage assets;
- parking;
- highway safety;
- traffic;
- noise;
- layout and density of building;
- the appearance of a proposal;
- disabled persons' access;
- other proposals; and
- previous planning decisions (including appeal decisions).

3.9 Some matters cannot be taken into account, as they are not planning issues such as:

- the impact on property values;
- private disputes between neighbours;
- the loss of a private view;
- the impact of construction work; and
- business competition.

3.10 These lists are not exhaustive and there may be matters that have not been mentioned.

### Planning performance agreements

3.11 A planning performance agreement (PPA) is an agreement between a local planning authority and an applicant to provide a project management framework for handling a major planning application. These are often used for strategic and the most complex applications that would need more time to determine than the standard 13 weeks<sup>13</sup> normally allowed.

3.12 The key aims of entering into a planning performance agreement are as follows:

- facilitate development;
- solve problems; and

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<sup>13</sup> 16 weeks if accompanied by an Environmental Statement

- achieve a high quality development

### What is a nationally significant infrastructure project (NSIP)?

- 3.13 Nationally significant infrastructure projects are projects that meet certain national thresholds and will be determined by the relevant Secretary of State having considered a recommendation of the Planning Inspectorate, not the council. The key stages in the process for determining such applications are explained on the National Infrastructure Planning [website](#)
- 3.14 This process requires the developer to carry out extensive consultation on their proposals before submitting an application, including asking the council to comment on the adequacy of the developer's intended consultation arrangements as set out in their 'Statement of Community Consultation'.

### Making and submitting a planning application

- 3.15 The process of making a planning application is set out in detail on the [Planning Portal](#). The council's [Planning Website](#) sets out advice, guidance and the relevant forms to use when making and submitting a planning application or an application for other types of development.

### Pre-application community involvement

- 3.19 All applicants are encouraged to do some form of consultation with the public such as neighbouring and nearby properties before they submit a planning application.

### Encouraging early involvement with neighbours for small scale proposals

- 3.20 For smaller applications, for example house extensions, applicants are encouraged to speak with their neighbours and show them the proposed plans. In their planning application, they should include any comments from their neighbours and any changes made to the proposal as a result. There are benefits to early engagement as it can reduce conflict later on in the planning process. These discussions will not affect consultations that the council may be required to undertake but it could potentially reduce the time taken to gain planning permission.



### Developer pre-application discussions

- 3.21 Dependent upon the nature and potential impact of a development proposal on the local community, applicants making major proposals, or those likely to have any significant impacts, will need to carry out their own pre-application public consultation.
- 3.22 Planning applications for these proposals will need to be accompanied by a consultation statement. Examples of such proposals include:
- major housing and commercial developments and applications for large solar farms
  - developments requiring an environmental impact assessment which are accompanied by an environment statement
  - proposals which depart from the development plan
  - any development proposals, which the council thinks, will have significant implications for planning policy.
- 3.23 The form of consultation needs to be tailored to suit the circumstances of the site, proposal and locality. Developers should discuss and agree with the council the exact nature of consultation in advance, allowing sufficient time for planning officers to comment on the proposed events and appropriate changes that need to be made. It is important to note that all pre-application discussions with the council will be kept strictly confidential.<sup>14</sup>
- 3.24 Developers need to be clear and up front with the community about the timetable / progress of the application as well as the constraints the proposal will need to address.
- 3.25 It is expected that consultation be carried out at an early stage in the design process to allow sufficient time for public comments to be taken into account before the submission of the application.
- 3.26 The type of methods to be employed by potential developers could include the following:
- community meetings;

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<sup>14</sup> In certain cases, such discussions may be made public if a Freedom of Information Request is submitted and accepted.

- exhibitions (opening hours to include out of office hours);
- information on village and parish notice boards;
- delivery of explanatory leaflets; and
- press adverts

3.27 The council expects communities to be offered genuine choice and a real opportunity to influence proposals in these consultation exercises. The council has been set demanding targets by the Government in determining planning applications within strict timescales. Where developers have submitted significant proposals without undertaking any consultation with the community, the onus will be on them to resolve any public objections within the timescale that the council has to determine the application. Failure to consult may reduce the weight the council gives to the consultation statement and be material to the determination of the application.

3.28 For probity reasons (ensuring that decisions are taken in a fair and open manner), the council's planning officers would not normally participate in these public meetings or exhibitions other than to provide background information.

3.29 As a minimum, the consultation statement submitted with the application should include:

- the residents businesses and local community groups consulted
- methods and timing of consultation
- a copy of the consultation details
- evidence of use of open questions, flexible plans and a range of genuinely different options and choices, including alternative sites
- a summary of all responses received
- explanation of how public comments have influenced the design of the proposals
- evidence of how developers have provided feedback to the town and parish councils, community groups and ward members following their responses

- explanation of what changes have been made as a result of all community comments
- where suggestions have not influenced the proposed development the developer should state why these suggestions have not led to a change and information on how this was addressed in the development proposal.

### How do I submit a planning application?

3.30 Applicants can submit plans and application forms electronically by:

- using the council's website link to the [Planning Portal](#) ;
- email to **[Insert email address]** ; or
- or by post to: **[Insert relevant address(es)]**

3.31 The council will check the information and documents submitted. If all is correct, including the relevant fee, the application will be validated and the applicant or their representative notified. This will then trigger the start of the various consultations to be carried out before the application is considered and the decision notice issued. If the planning application is not valid, the council will inform the applicant, or their representative, of the additional information or correct fee to be provided as necessary to make the application valid.

### How do I find out about planning applications in my area?

3.32 The council must follow the statutory publicity requirements for advertising the availability of valid planning applications. Table 5 sets out the type of development and what type of publicity the council must undertake.

*Table 5 – Statutory publicity requirements for planning and heritage applications*

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry)	-	✓	✓	✓

Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	✓	-	✓	✓
Applications which do not accord with the development plan in force in the area	✓	-	✓	✓
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies	✓	-	✓	✓
Applications for planning permission not covered in the entries above e.g. non-major development	-	✓	-	✓
Applications for listed building consent where works to the exterior of the building are proposed	✓	-	✓	✓
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building.	✓	-	✓	✓
Applications for development, which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	✓	-	✓	✓

Source: <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

### Planning and heritage application notifications

3.33 Planning applications are typically advertised at the site using an A4 sized notice positioned in a visible location, adjacent or close to the site to which it applies. Certain applications as shown in Table 5 can be advertised by means of a site notice or neighbour notification letters.

### Submitted applications

3.34 You can view on Public Access recently submitted and determined planning applications.

### Press advertisement

3.35 When required, an advert will be placed in a local newspaper appropriate to the location of the planning application.

### Further information

3.36 For further information see:

- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015.](#)

- the Government [website](#):

### How do I view planning applications?

3.37 You can use [Public Access](#) to view a planning application and to comment on a planning application that is in the area you are interested in. It is a dynamic system constantly being updated with incoming information including plans, technical reports, and responses from consultees, comments from the public, full details of the council's ultimate decision and details of any appeal to the Secretary of State.

- You can also see all other comments made on an application on [Public Access](#)
- You can view the details of all current planning applications with supporting documents
- You can also visit various council locations across North Yorkshire to look at applications online.

Minerals and Waste applications can be searched on the [Online Planning Register](#)

### What if I can't get access to view a planning application?

3.38 We are aware that some people may have difficulty accessing and seeing the planning applications. We encourage you to visit a council location to view the documents online. Please call 0300 131 2 131 to find out which locations offer this service.

3.39 Planning application information can also be viewed online at many libraries across North Yorkshire. Please speak to your local library to see if they offer online capabilities.

### How long do I have to comment?

3.40 All comments on a planning application must be made in writing to us within 21 days from the date of a press notice or site notice appearing. Please be aware that any comments submitted after the 21-day publicity period may not be considered because a decision may have already been made on the planning application. This is extended to 30 days for environmental impact assessment applications.

## How and where do I comment on a planning application?

- 3.41 You can make comments on planning applications in the following ways:
- Whilst viewing the details of an application through [Public Access](#)<sup>15</sup>.
  - By e mail to **[Insert email address]**
  - By post to **[Insert address(es)]**
- 3.42 Submitting your comments via Public Access will ensure that certain key pieces of information are automatically provided. However, if you submit your comments by email or post please include the following:
- your name
  - your contact address
  - the reference number of the application and/or address of the property to which your comments relate

### Does it matter what I think?

- 3.43 **Yes.** The council represents all of the community. In knowing your opinions, whether you support or object to the application or whether you just want to make comments, your views can influence the decision of the application. However, planning applications tend to attract a variety of comments. The planning officers can only take account of things that are relevant to planning and the application itself.

### Who else might the Council consult with?

- 3.44 The council is required to consult with a range of stakeholders as part of the planning application process. These include a number of statutory consultees. These are set out in the Table 2 (Statutory consultees on applications for planning permission) at:
- <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

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<sup>15</sup> •You will need to register and login before you are able to leave comments and/or receive updates. Your session may "time out" without warning, so for longer messages you may need to compose your comments outside the webpage and then copy and paste when you are ready to submit. Please include the submission date at the end of your comment.

- 3.45 The council will also consult with non-statutory consultees i.e., those not required by law but from whom the Council seeks advice or where non-statutory bodies are likely to have an interest in the proposed development

### What if the application is amended, can I still comment?

- 3.46 Depending on the scale of the amendments, the planning officer will decide whether it is necessary to re-advertise and re-consult on the amended plans. Any amended plans will be available to view and comments made on [Public Access](#).

### Why do some planning applications go to planning committee and others do not?

- 3.47 Officers make many of the decisions on planning applications. This is known as a **delegated decision**. However if there are particular sensitivities the application will then be decided at the planning committee. The [Council's Scheme of Delegation](#) is set out in Para 9.3 (Page 180) of the council's constitution. All valid views will be included in the report for the planning committee to consider in deciding the application. An officer report will be provided for each planning application whether it is to be determined by planning committee or the decision is delegated to the planning officer.
- 3.48 The agenda for the planning committee is published five working days before the committee meeting. These meetings are held in public every four weeks at various locations across North Yorkshire. The schedule of meetings (including location), agendas and reports are available on the [Council's website](#)..

### Can I address the planning committee?

- 3.49 If an application is to be determined at the planning committee, the council allows those (or their representative) who have made a written representation who have also indicated that they wish to speak at the committee, to speak at the meeting. However, this is usually one speaker representing all the objectors. They will be allowed up to 3 minutes to speak. The town or parish council as well as the division member also have the right to address the planning committee.

- 3.51 The applicant or their representative will also be given no more than 3 minutes to present their views verbally to the planning committee. For further information regarding the format for speaking at planning committee, please see the [Council's Constitution](#) (Para 12 on page 428)
- 3.52 As part of the council's commitment to keep the planning process transparent and open, the [Code of Conduct](#) (Page 418) for members and officers dealing with planning matters ensures that decisions are sound on a planning basis.

### What If there is a site visit?

- 3.53 In determining some applications, a site visit by the planning committee may take place. This is usually held if it is agreed in consultation with the chair of the planning committee that it would assist councillors in reaching a decision. The procedures for attending and participating at the site visit are set out in the [Council's Constitution](#) in Para 11 (Page 426). Members of the planning committee cannot engage in open discussions with the applicant or their representative or with any other people present.

### How do I find out the Decision?

- 3.54 We publish decisions about applications when they are made. You can find out if an application has been approved or refused. We also publish the reasons why. All of this information is included on [Public Access](#).
- 3.55 If the planning application was considered at committee, you may also see the decision in the [published minutes](#) for the relevant planning committee.

### What if there is an appeal?

- 3.56 Appeals can be made by the applicant against a refusal of planning permission or other consent, the conditions attached to the application, for non-determination of the application by the council or for costs.
- <https://www.gov.uk/topic/planning-development/planning-permission-appeals>
- The applicant has the right to appeal to the Secretary of State. There is no third party right of appeal against approvals or refusals of planning permission or other consents. The council will notify any individual or organisation originally consulted, or who has made any comments or objections by email (if



provided) or by post when an appeal is lodged. All comments and objections are passed on to the appointed Inspector for their consideration. This is a separate process. More information relating to the appeals process and how to be involved can be found on the [Government website](#) and the [Planning Inspectorate website](#).

## Discharge of conditions

3.57 Conditions may be attached to a notice of planning permission. An application for approval of the details reserved by such a condition will be necessary for a specified aspect of the development, which was not fully described in the original application. These details need to be submitted for approval as set out in the notice of planning permission. As such, an application for approval of details reserved by a condition is not an application for planning permission or listed building consent so there is no opportunity for further comment. Applications for approval of details reserved by a condition in a planning permission should be made in writing. There are no opportunities for commenting on discharge of conditions applications.

## Section 73 applications

3.58 Section 73<sup>16</sup> of the Town and Country planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) imposed. Section 73 also provides for retrospective planning applications to be made with respect to development that has already taken place without planning permission and for applications to authorise development, which has been carried out without complying with a condition(s). There will be opportunity to comment on Section 73 applications.

## Non-material changes

3.59 Sometimes following the granting of planning permission it may be necessary to make some changes. Whether or not a proposed amendment is non-material will depend on the circumstances of the case – a change which may be non-material in one case could be material in another. There is no statutory definition of non-material, but the local planning authority must be

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<sup>16</sup> Section 73a are retrospective applications where a condition has been breached.

satisfied that the amendment sought is non-material in order to grant an application. If you are uncertain, as a developer, you may wish to seek pre-application advice. There are no opportunities for commenting on non-material amendments applications.

## Planning and trees

### Making tree preservation orders

3.60 When a tree preservation order (TPO) has been made, the council will proceed with a consultation exercise. In addition to writing to the statutory consultees, the landowner and all properties that are considered to be directly affected<sup>17</sup> by the tree will be notified and given the opportunity to comment.

### Dealing with applications to carry out works to trees

3.61 Tree Preservation Orders - When an application is made to carry out works to a tree covered by a TPO, the Council will place the information on the Tree Register (the list is available on the Council's website).

3.62 Where the authority is responsible for determining an application it makes to itself it must publicise the application by displaying a site notice on or near to the site for a period of 21 days. In such cases a period of 21 days is allowed for the submission of comments.

3.63 Conservation area trees - There is no general consultation on works to trees within conservation areas, however, if it is decided to place a TPO on the tree, refer to paragraph 3.60 'Making tree preservation orders'.

### What if I think something has been built or someone is carrying out an activity without planning permission.

3.64 When a person or developer carries out development without planning permission, the council has a duty to consider what action is needed.

3.65 As a local planning authority, we have the power to take action against breaches of planning control if development has occurred without the necessary planning permissions. We also have the power to take action

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<sup>17</sup> Directly affected means, for example, by overhanging branches not that it is purely within their field of vision

against unauthorised works to a protected tree or a tree in a conservation area.

- 3.66 We will investigate whether there is a breach, establish what harm is caused because of it and then how the situation can be remedied. Immediate enforcement action is sometimes necessary, however in most cases planning authorities allow a person reasonable time to remedy the situation. This may mean submitting a retrospective planning application, removing an unauthorised structure or stopping any unauthorised use. For further information on the planning enforcement service, please see ***[Insert link to enforcement webpage and/or management plan]***.
- 3.67 A breach may also occur if planning permission has been granted, but the conditions attached to the permission are not being complied with. This is a breach of condition.

#### What we can investigate:

- unauthorised building
- unauthorised changes of use
- unauthorised works to a listed building
- display of unauthorised advertisements/signage
- untidy land
- unauthorised works to protected trees
- unauthorised works to trees in a conservation area
- breach of conditions

#### What we cannot investigate:

- 3.68 North Yorkshire Council Local Planning Authority will investigate most disputes however; the following cannot be investigated by enforcement:
- breaches occurring on or within a public highway. Please contact [North Yorkshire Highways](#) on 01609 780780
  - boundary disputes
  - internal alterations to houses (unless it is a Listed Building). Please contact the [North Yorkshire Building Control Partnership](#) on 01347 822703

## Making a complaint about a breach of planning control

3.69 If you would like to make a complaint regarding a possible breach of planning control, fill in our ***[Insert link to enforcement complaint page]*** or download a ***[Insert link to downloadable complaint form]***, returning it to either:

- email: ***[Insert email address]***
- or by mail to: ***[Insert address(es)]***

ALL COMPLAINANT DETAILS ARE KEPT STRICTLY **CONFIDENTIAL**

## Can I appeal against an enforcement notice?

3.70 You can appeal to the Secretary of State against an enforcement notice served on you or your business. All details regarding the enforcement notice are passed on to the appointed Inspector for their consideration. This is a separate process. More information relating to the appeals process can be found on the Planning Inspectorate [website](#).

## Street naming and numbering

3.71 North Yorkshire Council has the legal responsibility to ensure that streets are named and properties numbered. The authority therefore has the power to approve or reject property and street addresses that are submitted by developers or other parties.

3.72 The address of a property is a very important issue. The appropriate naming of streets, and naming and numbering of buildings is essential for:

- visitors to find where they want to go;
- delivery of post by the Royal Mail and courier services;
- fast responses to emergencies by ambulance, police, and fire services;
- and
- record keeping e.g. index to the National Land and Property Gazetteer, legal transactions, taxation and planning permissions.

3.73 It is also important that property names and numbers are appropriate and are clearly displayed so that the public and service providers can quickly and easily locate a property and its entrance.

- 3.74 The council also liaises with various organisations including (but not exclusively) the Royal Mail, emergency services and The Land Registry to keep them informed of any new or amended addresses in the authority. This alerts these organisations to update their records. It is important to follow this process to ensure that the Royal Mail database includes the new addresses before any new properties are occupied. This minimizes the risk of problems that can occur if the address is not recognised by organisations such as utility companies, couriers and other agencies. The overall objective when undertaking naming and numbering processes is to allocate unique and logical addresses whilst complying with the recommendations and guidelines.
- 3.75 Applications for street and property naming and numbering services are made by individuals or developers building or converting houses, commercial or industrial properties, and can be made in hard copy, submitted by email or online via the council's website. Details of fees are available on our webpages or by request.
- 3.76 Once an application has been received, the council check the proposals against our guidelines and liaise with the applicant in order to ensure that the proposals satisfy our conventions. Consultations are then sent to internal consultees, the Royal Mail Address Development Centre, parish or town councils where appropriate. In the case of there being no parish, consultations will be sent to relevant division councillors.
- 3.77 Where there is an impact on the wider community, for example in the case of numbering an existing street or the addition of a name to a property in multiple ownership, consultation with ratepayers and owner/occupiers is undertaken. In some circumstances, the naming of streets or buildings has to be considered by the planning committee. In these cases, the public are able to speak and express their views.
- 3.78 A naming and numbering policy document will be prepared and when ready will be available on the council's website.

## Appendix 1 - Glossary

Authority Monitoring Report (AMR)	A document that is prepared at least annually, that shows how the council is performing against local indicators, and targets set out in the local plan documents. It also sets out the progress made on preparing the local plan and other development plan documents.
Area Action Plan (AAP)	An area action plan is focused upon a specific location or an area subject to conservation or significant change (for example major regeneration).
Community Infrastructure Levy (CIL)	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area. The funds are used to help deliver infrastructure to support the development of their area.
Consultation	Consultation is a process between the Council and its customers. Consultation asks people to express views by responding to communications in whatever form (electronic, face-to-face, telephone, postal).
Corporate Plan	The council's Corporate Plan sets out the corporate vision, values, and priorities for the council.
Development Brief	A development brief is a site-specific document that provides planning guidance for a particular geographical area identified by the council for potential development. Usually for larger sites, they set out in further detail what type of development is to be required.
Development Management (DM)	The section of the planning service within North Yorkshire Council that deals with planning applications. The development management service is responsible for giving advice on proposals development management for new development, providing advice on whether or not a proposal constitutes development requiring planning permission and determining planning applications.
Development Plan	The term given to the collection of documents, that are used to determine planning applications. The local plan and other local plan documents will comprise the statutory development plan. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.
Development Plan Document (DPD)	<p>The term given to the collection of documents, that are used to determine planning applications. The local plan and other local plan documents will comprise the statutory development plan. This includes an adopted policies map, which illustrates the spatial extent of policies that must be prepared and maintained to accompany all DPDs.</p> <p>All DPDs must be subject to rigorous procedures of community involvement, consultation and independent examination, and adopted after receipt of the inspector's binding report. Once adopted, development control</p>

	decisions must be made in accordance with them unless material considerations indicate otherwise.
Engagement	Two way process aimed to empower communities by providing them with opportunities to have a voice about what they want in terms of service delivery for their community and local area, and providing them with mechanisms to help them to solve local problems.
Habitats Regulations Assessment (HRA)	A report required to assess the potential effect of the Local Plan on Ramsar sites, Special Protection Areas and Special Areas of Conservation
Householder Development	Householder developments are defined as those within the curtilage of a dwellinghouse, which require an application for planning permission and are not a change of use. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses including footway crossovers, porches and satellite dishes.
Infrastructure Delivery Plan (IDP)	A document prepared by the local planning authority setting out the infrastructure requirements needed to meet the wider impacts of development.
Large-scale Major Development (Major Development Proposal)	For dwellings, a large-scale major development is one where the number of residential units to be constructed is 200 or more. Where the number of residential units to be constructed is not given in the application a site area of 4 hectares or more should be used as the definition of a large-scale major development. For all other uses a large-scale major development is one where the floor space to be built is 10,000 square metres or more, or where the site area is 2 hectares or more.
Local Development Document (LDD)	These include development plan documents (which form part of the statutory development plan) and supplementary planning documents (which do not form part of the statutory development plan). Local development documents collectively deliver the spatial planning strategy for the local planning authority's area.
Local Development Scheme (LDS)	A three-year project plan setting out the council's programme for the preparation of local Development Documents within the Local Plan. It lists the documents to be prepared and provides a timetable for producing them.
Local Plan	A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.
Marine Plan	A marine plan is part of the development plan. They are prepared by the Marine Management Organisation.
Minerals and Waste Joint Plan	The minerals and waste joint plan forms part of the development plan for the unitary authority area..
Minor Development	For dwellings, minor development is one where the number of dwellings to be constructed is between 1 and 9 inclusive.

	Where the number of dwellings to be constructed is not given in the application, a site area of less than 0.5 hectares should be used as the definition of a minor development. For all other uses, a minor development is one where the floor space to be built is less than 1,000 square metres or where the site area is less than 1 hectare.
National Planning Policy Framework (NPPF)	Document setting out the Governments planning policies for England and how these should to be applied. Initially produced in 2012 and most recently revised in 2021.
Neighbourhood Plan	Town and parish councils (or in cases where there is no parish, a qualifying body) can shape and direct sustainable development in their area by creating a vision and planning policies for the use and development of land in a neighbourhood. A neighbourhood plan forms part of the development plan for an area and must be in conformity with the strategic elements of the Local Plan.
Parish and Town Councils	Made up of locally elected parish and town councillors, they help to deliver decision-making to communities, using their local knowledge and commitment to help improve and resolve local issues.
Planning Inspectorate (PINS)	The Planning Inspectorate for England and Wales is an executive agency of the Ministry of Housing, Communities and Local Government of the United Kingdom Government. It is responsible for determining final outcomes of planning and enforcement appeals and public examination of local development plans.
Planning Portal	A national website for members of the public, local planning authorities and planning consultants. The Planning Portal features a wide range of information and services on planning.
Policies Map	An Ordnance Survey based map showing the proposals for the development and use of land which are set out in the written chapters of the Local Plan.
Prior Notification Applications	A procedure where permission is deemed granted if the local planning authority does not respond to the developer's application within a certain time. Often relating to telecommunication or agricultural developments.
Royal Town Planning Institute	The Royal Town Planning Institute is the membership organisation and Chartered Institute responsible for maintaining professional standards within the planning profession and accrediting world class planning courses nationally and internationally. It is also a charity whose purpose is to advance the science and art of planning for the benefit of the public. It also operates Planning Aid England.
Secretary of State	Government minister who approves (or not) planning documents submitted by LPAs.
Small-scale Major Development	For dwellings, a small-scale major development is one where the number of residential units to be constructed is between 10 and 199 (inclusive). Where the number of



	<p>dwellings to be constructed is not given in the application a site area of 0.5 hectare and less than 4 hectares should be used as the definition of a small-scale major development. For all other uses a small-scale major development is one where the floor space to be built is 1,000 square metres and up to 9,999 square metres or where the site area is 1 hectare and less than 2 hectares.</p>
Statement of Community Involvement (SCI)	<p>The SCI (this document) sets out the standards that authorities will achieve when they involve local communities in the preparation of local plan documents and in development management decisions.</p>
Supplementary Planning Document (SPD)	<p>Supplementary planning documents (SPD) are capable of being a material consideration in planning decisions but are not part of the development plan. An SPD elaborates on existing policies or proposals in the local plan and gives additional guidance.</p>
Sustainability Appraisal (SA)	<p>An assessment of the environmental effects of a plan or programme. It identifies and evaluates the effects of the strategy or plan on social, environmental and economic conditions.</p>

## **Appendix 2 - Data protection and the use of personal data (local plan and policy documents)**

A1. The council (in respect of local plan and other policy preparation) collects and uses various kinds of information including personal details. This statement sets out the types of information that we collect, how it is stored, displayed, used and retained. In this statement, the term 'planning policy consultation' is used to describe all forms of engagement and consultation under the Planning Acts and associated regulations, and includes local plans, supplementary planning documents, area action plans and other associated documents.

### Why we collect personal data

A2. The most common things we use data for are:

- linking comments on a plan document to a contributor;
- contacting consultees to notify them of a consultation on the Local Plan or associated documents;
- providing the consultees' data and the associated comments to the Planning Inspectorate as part of the plan making process for the Examination in Public.

A3. Any personal data collected through the planning process will be processed in accordance with the UK Data Protection Legislation.

### What personal data we collect?

A4. If you ask to be notified of future consultations and/or submit comments on any 'planning policy consultation' we will collect your:

- name; and
- contact details (i.e. email address, postal address and phone number if provided).

A5. When you register your own details on the ***[Insert link to planning portal]*** you will have been directed to the relevant privacy notice and other important information about processing your data. This will include confirmation that by submitting comments they will be published alongside your name and that we will use your contact details to notify you of progress with the matter to which you have commented on.

### How we use your personal data.

A6. We will only use your personal data in accordance with data protection legislation, and for the purposes stated in the [Privacy Notice](#).

- A7. Personal data can only be used for the purposes it was given (with some limited exceptions if we have a legal obligation), in this case, for dealing with your comments on the 'planning policy consultation' or notifying you of consultation events.

#### Processing your personal data and your comments

- A8. Your name (and organisation if appropriate) and comments (moderated / redacted if necessary<sup>18</sup>) will be made publicly available as part of the consultation process and we will only use your contact information for notifying you of the progress of the local plan or other planning policy work.
- A9. Any other of your personal details such as postal address or email address will not be made available. If an agent has submitted information on your behalf, then both their name and yours may be made publicly available and attributed to the comments made. We will only send any notifications to them unless you have specifically asked to be contacted directly.
- A10. To clarify, any information you submit in relation to the document to which you are responding will be made publicly available but we will not publish your contact details online.
- A11. Once your comments have been validated and published, they will form part of the public record. Should you decide later that you want your contact details removing, whilst this can be actioned, the comments you have previously made will remain part of the public record. Legally made comments will not be removed unless there are exceptional reasons to do so.
- A12. On submission of a comment using either the online portal, email or letter, an acknowledgement to that submission will be sent. This will set out the above information in paragraphs A8 to A11. Should you consequently notify us that you do not want your name and comments to be made publicly available within the time provided, they will neither be validated nor considered. In certain circumstances, we can process anonymised comments and if you consider that is necessary please contact us to discuss this.

#### How long will we keep your personal data

- A13. For the purposes of local plan and other policy preparation, we propose to keep your personal data up to the adoption of the local plan (or other policy

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<sup>18</sup> All comments have to be checked and processed by an officer before they appear on the consultation portal. Foul or abusive language or inappropriate or defamatory comments will be removed, as will any identifiable personal references to either the person writing or a person being written about. You are responsible for the content of your comment. Please ensure that your comment does not contain any information you do not want to appear online (e.g. personal information).

document) and the subsequent conclusion of any period of Judicial Review. Beyond that date if you no longer wish to have your details retained on the local plan consultee database your personal details will be removed but your comments may be retained as part of the public record (anonymised). At that time we will write to all persons (with the exception of statutory consultees) to ask if they wish for their details to be retained or removed. If no response is received within the set period to reply your details will be removed.

- A14. Please note that if you request to be removed from the consultee database before the local plan or other policy document has been adopted, any comments you have made up to that point will remain part of the public record along with your name attributed to it. Your contact details will be deleted and your profile will be set to 'no further contact'.
- A15. If you have made no comments up to that point, your entire profile will be deleted from our records.
- A16. For full details on how we process and handle your personal data please visit: the [Planning Policy Privacy website](#) or ask for a paper copy to be sent to you if you have no access to the internet. Prior to registering on our system or making any comments you are urged you read them in full so you understand how we process your personal data.