Plan for Fylde - Plan for the Future

Fylde Council

Statement of Community Involvement

2015

Fylde Council

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TABLE OF CONTENTS

1. WHAT IS A STATEMENT OF COMMUNITY INVOLVEMENT (SCI)? 3-4
2. FYLDE'S APPROACH TO COMMUNITY INVOLVEMENT IN PLANNING 5-7

PART 1-PLANNING POLICY

3. THE NEW PLANNING SYSTEM. 8-9
4. LOCAL PLAN CONSULTATIONS 10-12
5. SUPPLEMENTARY PLANNING DOCUMENT CONSULTATIONS 13-14
6. NEIGHBOURHOOD PLANNING CONSULTATIONS 15-20
7. CIL CONSULTATIONS 21-22

PART 2-DEVELOPMENT MANAGEMENT

8. WHAT IS DEVELOPMENT MANAGEMENT? 23
9. PRE APPLICATION PLANNING DISCUSSIONS 24-25
10. PLANNING APPLICATIONS 26-28
11. DETERMINING APPLICATIONS 29-30
12. PLANNING APPEALS 31-32

APPENDIX A: FURTHER SOURCES OF INFORMATION 33
APPENDIX B: FYLDE COUNCIL CUSTORMER SERVICE CHARTER 34

1. WHAT IS A STATEMENT OF COMMUNITY INVOLVEMENT (SCI)?

What is a SCI?

1.1 Under Section 18 (Part 2) of the Planning and Compulsory Purchase Act 2004 local planning authorities are required to prepare a 'Statement of Community Involvement' (SCI). The SCI sets out what consultation will take place with the community with regard to planning policy documents and planning applications. An SCI states who the Council will consult with, when and how.

1.2 The SCI provides clarity on the extent of community involvement in the planning system and sets out clear consultation procedures and standards that the Council will follow when undertaking consultations.

Why is Fylde Council Producing a New SCI?

1.3 Fylde Council's existing SCI was adopted in September 2011, however since its adoption, there have been major changes to the planning system including the publication of the National Planning Policy Framework (NPPF), the transition from Local Development Frameworks to Local Plans and the introduction of Neighbourhood Planning. As the Council is under a legal requirement to have an up to date SCI it is considered that due to the significant changes to the planning system there is a need for a new SCI.

Scope of SCI

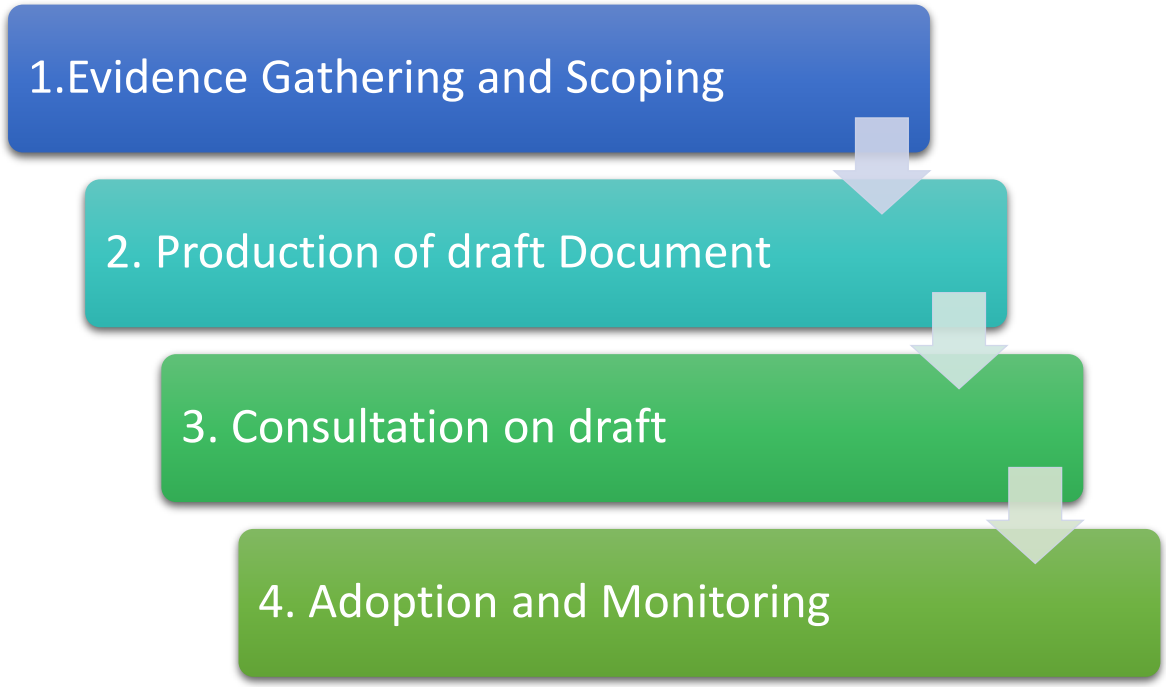
1.4 Fylde is a two tier authority with Fylde Council responsible for most planning functions however Lancashire County Council has responsibility for planning in regards to Highways and Minerals. This SCI only relates to planning functions that Fylde Council undertakes as Lancashire County Council planning functions are covered by their own SCI. http://lancashire.gov.uk/

When will Fylde Council Produce its Next SCI?

1. 5 Fylde Council will continue to review its SCI and consider updating or replacing it whenever there are significant changes to the planning system.

Statement of Community Involvement

1. 6 The key stages in the production of an SCI are listed below:



A summary of the key consultation stages in the production of an SCI along with the consultation methods that will be used are provided below:

SCI Stage	Consultation Duration	Consultation Methods
Draft SCI stage	Six weeks	It is anticipated the following process will be undertaken at these stages: • Written/email consultations with the 'specific', 'general' and 'other' consultation bodies, including where relevant, individuals and organisations who have expressed a wish to be consulted; • Making the consultation document available on the Council's website and hard copies available at the Council offices, and other appropriate deposit points; • Inviting public representation on the document through press advertisements, press releases and a prominent invitation on the Council's website; • Invitations to meet with any individual who cannot read, or who has communication difficulties, if they feel that their concerns cannot adequately be conveyed in writing.

2. FYLDE'S APPROACH TO COMMUNITY INVOLVEMENT IN PLANNING

Corporate Community Engagement

2.1 Fylde Council is committed to engaging with the community as part of its improvement programme, Fylde Council welcomes the contributions of the community to help improve customer experience and service delivery. As part of Fylde Council's Customer Service Charter the Council is committed to excellent customer service. See Appendix B for details.

2.2 The consultation principles and methods contained within this SCI are aligned with wider corporate objectives contained within the Consultation Strategy and the Fylde Council Corporate Plan 2013-2016. http://intranet.fylde.gov.uk/hr/policyandstrategy/consultation-strategy/

Planning Policy

2.3 As part of involving the community in planning policy documents, Fylde Council will maintain an up to date consultation database so that anyone that wishes to be informed of the progress of the local plan or any other planning documents is directly consulted when a document goes out for consultation. Anyone wishing to be added to the database can do so by emailing: planningpolicy@fylde.gov.uk

2.4 In addition to the wider community, elected councillors and parish councils have extensive local knowledge and provide a link with the community, they will be fully informed and consulted when producing planning policy documents. Further information on how the council will work with the community on planning policy documents - is set out in Part 1 of this SCI.

2.5 All comments submitted during planning policy consultations will be acknowledged. Following planning policy consultations a consultation summary will be produced which will summarise the key points made and provide a response to the issues raised. This will be published on the council's website.

http://www.fylde.gov.uk/council/planning-policy--local-plan-/

Planning Applications

2.6 As part of involving the community in planning applications, Fylde Council will ensure there is appropriate publicity for planning applications to facilitate community involvement in planning. Further information on how the

council will work with the community on planning applications - i.e. Development Management - is set out in Part 2 of this SCI.

Anyone wishing to comment on a planning application can email the following address: planning@fylde.gov.uk

2.7 In addition to the wider community, elected councillors and parish councils have extensive local knowledge and provide a link with the community, they will be fully informed and consulted when determining planning applications. In particular elected members will have a direct involvement in major planning applications through the Development Management Committee.

More information on planning applications is available at the following webpage: http://www.fylde.gov.uk/business/planning/

Duty to Cooperate

2.8 As part of the legal Duty to Cooperate, neighbouring councils and other relevant organisations must work together across boundaries on strategic planning issues that affect them all. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Fylde Council will work together on strategic planning issues with the following organisations.

Duty to Cooperate bodies:

- Environment Agency
- English Heritage
- Natural England
- Civil Aviation Authority
- Homes and Communities Agency
- Clinical Commissioning Groups
- National Health Service Commissioning Board
- Office of the Rail Regulator
- Highways England
- Integrated Transport Authorities
- Highway Authorities
- Marine Management Organisation
- Local Enterprise Partnerships
- Neighbouring Local Authorities

Consultation Bodies

2.9 In addition to Duty to Cooperate organisations Fylde Council is required to consult specific consultation bodies, general consultation bodies and other consultees including the community, business and third sector groups during planning policy consultations. A list of organisations is provided below.

Specific Consultation Bodies	General Consultation Bodies
Adjoining Local Authorities	Voluntary Bodies
Lancashire County Council	Ethnic/Racial/National Groups
All parish councils within and adjoining the boundary of Fylde Borough Council	Religious Groups and Churches
	Disabled Groups
Lancashire Constabulary	Local Businesses
The Coal Authority	Business Support Agencies
The Environment Agency	**Other Consultees**
English Heritage	Health Agencies
Natural England	Learning Agencies
The Secretary of State for Transport	Schools
Electronic Communications Operators	Transport Bodies and Groups
Telephone Operators	Sports Clubs/Bodies
Electricity Operators	Recreation Bodies
Cumbria and Lancashire Primary Care Trust	Infrastructure and Service Providers
	Design/Townscape/Urban Conservation Bodies
Gas Undertaker	Nature Conservation/ Countryside Bodies
Sewage Undertaker	Environmental Groups
Water Undertaker	Planning Consultants and Agents
The Homes and Communities Agency	The Development Industry
Marine Management Organisation	Other miscellaneous bodies
Network Rail	
Highways England	
Clinical Commissioning Groups	
The Homes and Communities Agency	
Electricity and Gas Companies	
Lancashire Constabulary	

Resources

2.10 Fylde Council will make sufficient resources available in order to meet its statutory responsibilities and the procedures and standards contained within this SCI.

PART 1-PLANNING POLICY

3. THE NEW PLANNING SYSTEM

Changes to the Planning System

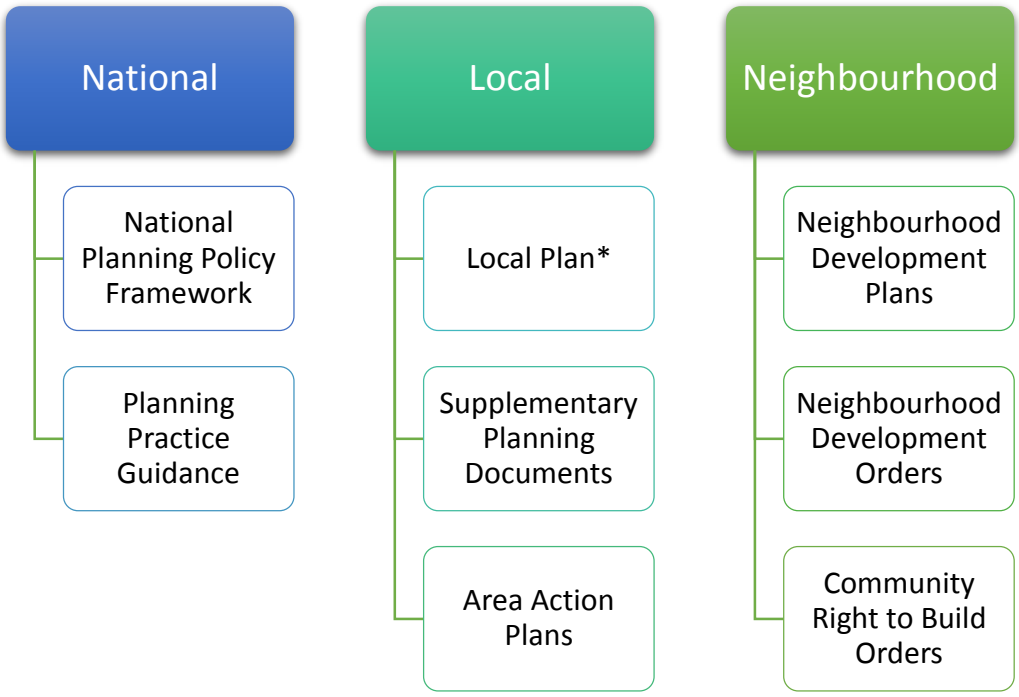
3.1 The election of the coalition government in 2010 saw a different approach to the planning system, with the aim being to make the planning system more accessible to the public in accordance with the government's localism agenda. With the publication of the National Planning Policy Framework (NPPF) in 2012, the previous requirement for a Local Development Framework was replaced with a requirement to produce a single Local Plan in conformity with the NPPF containing planning polices and site allocations. This is to be the key planning policy document at the local level with Supplementary Planning Documents (SPDs) being produced when necessary.

3.2 In addition, a new tier of planning was introduced in the form of Neighbourhood Planning which enables a community to produce a Neighbourhood Development Plan for the area in which they live. A Neighbourhood Development Plan cannot stop development but can be used to give the community more influence over the development that will take place in their area. An adopted Neighbourhood Development Plan is a material consideration in the determination of planning applications for the area in question.

3.3 Further national planning guidance was released in 2014 in the form of the Planning Practice Guidance which is a web based resource that expands upon the detail provided in the National Planning Policy Framework.

3.4 A summary of the key documents of the new planning system are provided below:

Key Planning Documents of the New Planning System



**A Local Planning Authority is required to produce a Local Plan, all other Local and Neighbourhood planning documents are optional.*

4. LOCAL PLAN CONSULTATIONS

What is a Local Plan?

4.1 A Local Plan is the main planning policy document produced at the Local Authority level, it contains policies to guide the development of the area and includes allocations that set out areas for proposed development that will take place within a 15 year period. A Local Plan should plan positively to meet the areas objectively assessed needs and deliver sustainable development.
A Local Plan is defined by the National Planning Policy Framework as: "The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community." (Page 53 NPPF)

4.2 A Local Plan forms part of the Development Plan (along with adopted Neighbourhood Development Plans) NPPF paragraph 2 states that planning applications should be determined *"in accordance with the development plan unless other material considerations indicate otherwise."* (Page 1 NPPF).

Before adoption a Local Plan is subject to examination by an independent inspector into the "soundness" of the document. In order to pass the test of soundness and be adopted a Local Plan must be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

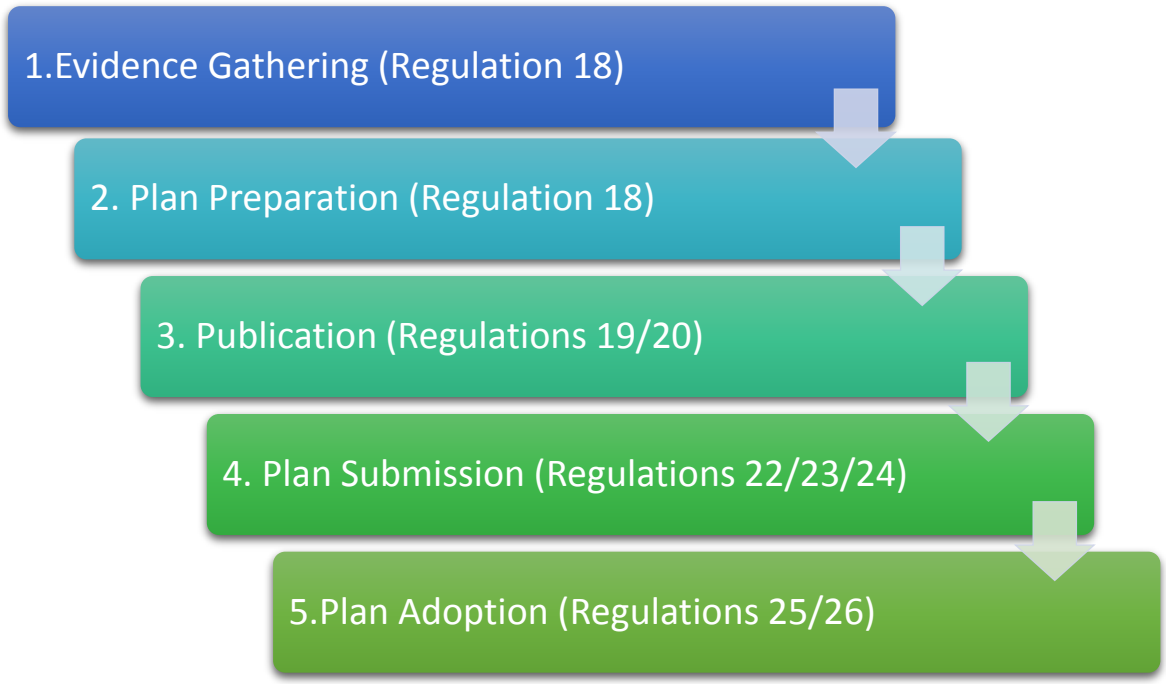
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Local Plan Stages

4.3 The key stages in the production of a Local Plan are listed below:



(Town and Country Planning Regulations (Local Planning) 2012)

4.4 A summary of the key consultation stages for the production of the Local Plan along with the consultation methods that will be used are provided below:

Local Plan Stage	Consultation Duration	Consultation Methods
Vision, Issues and Objectives (Evidence Gathering Regulation 18)	Minimum of four weeks	It is anticipated that the following consultation methods will be used at all of these stages: • Written/email consultations with the 'specific', 'general' and 'other' consultation bodies, including where relevant, individuals and organisations who have expressed a wish to be consulted; • Presentation to and discussion of the document with councillors;
Regulation 25 Scoping Document (Evidence Gathering Regulation 18)	Minimum of four weeks	
Issues and Options (Evidence Gathering Regulation 18)	Minimum of six weeks	
Preferred Options (Plan Preparation Regulation 18)	Minimum of six weeks	

Local Plan Publication Version (Plan publication Regulation 19/20)	Minimum of six weeks	• Making the consultation document available on the council's website and hard copies available at the Council offices, public libraries and other appropriate deposit points; • Inviting representations on the document through press advertisements, press releases and a prominent invitation on the Council's website; • Invitations to meet with any individual who cannot read, or who has communication difficulties, if they feel that their concerns cannot adequately be conveyed in writing; • The holding of Public meeting/ exhibitions/drop-in events to promote a wider awareness of the Local Plan, as appropriate.

- In addition to the above Fylde Council will provide details of the progress of the Local Plan on its website at the following address. http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/local-plan-to-2030-consultations/

5. SUPPLEMENTARY PLANNING DOCUMENT CONSULTATIONS

What are Supplementary Planning Documents?

5.1 Supplementary Planning Documents (SPD'S) are documents that expand upon the level of detail provided in the Local Plan and provide more detailed guidance on particular issues. Supplementary Planning Documents are defined by the National Planning Policy Framework (NPPF) as: *"Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design..." (Page 53 NPPF)*

Supplementary Planning Document Stages

5.2 Supplementary Planning Documents (SPD's) also form part of the Development Plan and can used as a material consideration in planning decisions.

The key stages in the production of a SPD are listed as such:

A summary of the key consultation stages in the production of Supplementary Planning Documents along with the consultation methods that will be used are provided below:

SPD Stage	Consultation Duration	Consultation Methods
Informal SPD Consultation	N/A	Engagement with local communities and relevant stakeholders to discuss issues proposed to be contained in the draft document and the development of policies.
Draft SPD Consultation	Between four-six weeks	It is anticipated that the following consultation methods will be used at all of these stages: • Written/email consultations with the 'specific', 'general' and 'other' consultation bodies, including where relevant, individuals and organisations who have expressed a wish to be consulted; • Presentation to and discussion of the document with councillors; • Making the consultation document available on the council's website and hard copies available at the Council offices, and other appropriate deposit points; • Inviting representation on the document through press advertisements, press releases and a prominent invitation on the Council's website; • Invitations to meet with any individual who cannot read, or who has communication difficulties, if they feel that their concerns cannot adequately be conveyed in writing;

6. NEIGHBOURHOOD PLANNING CONSULTATIONS

What is Neighbourhood Planning?

6.1 Neighbourhood planning gives local communities the power to shape development in order to bring forward the right type of development for their area.

Neighbourhood planning gives communities the power to:

- make a Neighbourhood Development Plan;
- make a Neighbourhood Development Order;
- make a Community Right to Build Order

What is a Neighbourhood Plan?

6.2 The first stage in the neighbourhood planning process involves the designation of a Neighbourhood Area. An application must be made by a parish/town council or a prospective Neighbourhood Forum (or community organisation in the case of a Community Right to Build Order) to the local planning authority for a Neighbourhood Area to be designated. As shown on the diagrams on page 17 and 20, in non-parish areas, a Neighbourhood Forum must be established (regulations 8, 9 and 10) before work commences on the Neighbourhood Development Plan.

6.3 Following independent examination of the Neighbourhood Development Plan, the Independent Examiner can recommend the plan to progress to Referendum stage in which the community in the area vote on whether to accept the Neighbourhood Development Plan. The Referendum may also include the wider community in the adjoining areas. When a Neighbourhood Development Plan has come into legal force after a Referendum (i.e. a made Neighbourhood Development Plan), it forms part of the Development Plan (along with an adopted Local Plan).

NPPF Paragraph 2 states that planning applications should be determined "in accordance with the development plan unless other material considerations indicate otherwise."

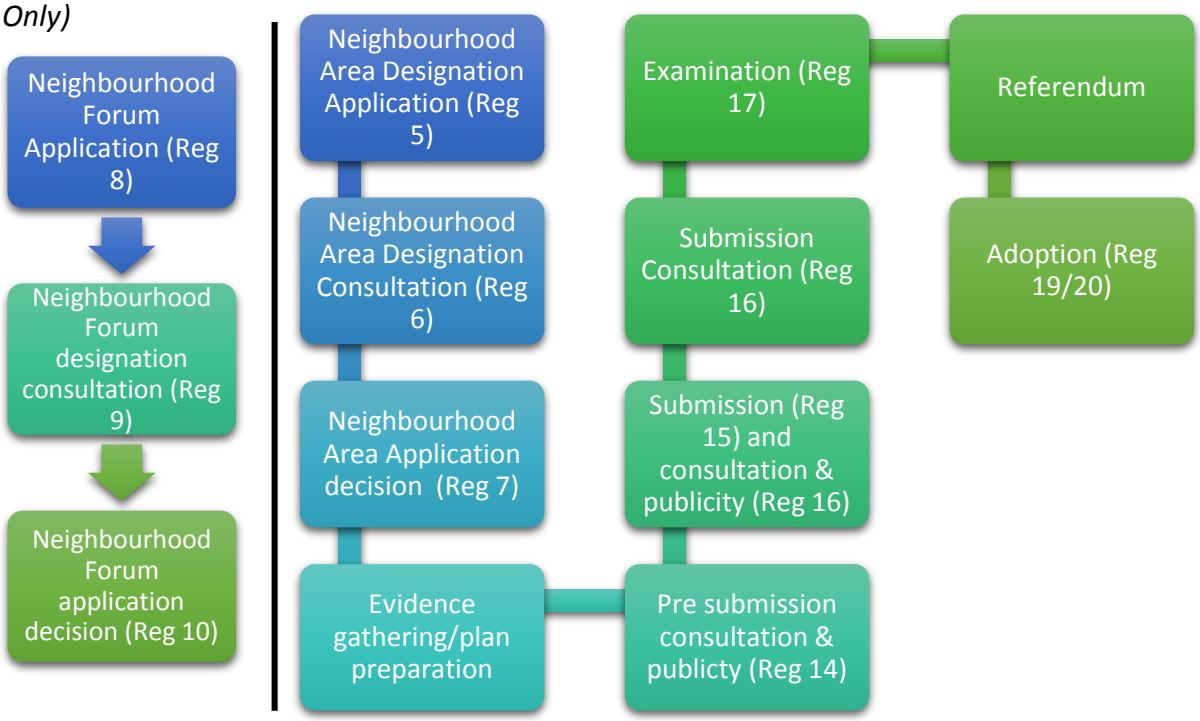
The support that Fylde Council will provide in the neighbourhood planning process is set out in the Neighbourhood Planning Protocol available at the following webpage.
www.fylde.gov.uk/neighbourhoodplanning/

Neighbourhood Development Plan Stages

6.4 A Neighbourhood Development Plan is a planning policy document produced at the neighbourhood level. A Neighbourhood Development Plan sets out policies for the area in question and can be used to influence the shape and form of development that will take place in the area. A Neighbourhood Development Plan is defined by the NPPF as: "*A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area*" (Annex 2 NPPF). A Neighbourhood Development Plan establishes general planning policies for the development and use of land in a neighbourhood area. The plan can be detailed or general, depending what the local community want.

The key stages in the production of a Neighbourhood Development Plan are taken from The Neighbourhood Planning (General) Regulations 2012 and are listed below.

(Non- Parish Areas Only)



6.5 The responsibility for producing a Neighbourhood Development Plan rests with the qualifying body (parish/town council or designated neighbourhood forum). However, there are certain requirements which a Local Planning Authority (LPA) must undertake under The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (Referendum) Regulations 2012. A summary of the key consultations undertaken by the Local Planning Authority in the production of a Neighbourhood Development Plan along with the anticipated consultation methods are provided below:

Neighbourhood Plan Stage	The Neighbourhood Planning (General) Regulations 2012)	Consultation Duration	Consultation Methods
Neighbourhood Area Designation consultation	**(Reg 6)**	Minimum of six weeks	It is anticipated that the following consultation methods will be used at all of these stages: • Written/email consultations with relevant consultation bodies, (in accordance with Schedule 1 of the Neighbourhood Planning Regulations 2012) including individuals and organisations who have expressed a wish to be consulted; • Making the consultation document available on the Council's website and hard copies available at the Council offices, and other appropriate deposit points; • Inviting representations on the document through press advertisements and a prominent invitation on the Council's website; • Invitations to meet with any individual who cannot read, or who has communication difficulties, if they feel that their concerns cannot adequately be conveyed in writing; • Displaying site notices at prominent locations throughout the Neighbourhood Area.
Neighbourhood Forum Designation consultation	**(Reg 9)**		
Submission Consultation & Publicity of a plan proposal	**(Reg 16)**		

- Note that Regulation 14 (Pre-submission consultation and publicity) is carried out by the parish/town council or neighbourhood forum.
- In addition, Fylde Council will publish any decision notices/Examiners reports on its website and in such other manor as it considers likely to bring to the attention of those who live and work or carry on business in the area once a decision has been made. (Regulations 7/10/19/20)
- In addition to the above, Fylde Council will provide details of the progress of each Neighbourhood Development Plan (including details of Examination or Referendum arrangements) on its website at the following address: www.fylde.gov.uk/neighbourhoodplanning/

Neighbourhood Development Order

6.6 A Neighbourhood Development Order is defined as:

"An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which Parish Councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development." (Page 54 NPPF)

A Neighbourhood Development Order (NDO) can grant planning permission for specific types of developments in a specific neighbourhood area. A Neighbourhood Development Order can therefore:

- Apply to a specific site, sites, or wider geographical area;
- Grant planning permission for a certain type or types of development;
- Grant planning permission outright or subject to conditions.

6.7 Once established, there would be no need for anyone to apply to the local planning authority for planning permission if it is for the type of development covered by the order. Neighbourhood Development Orders can therefore speed up the process of development in certain areas, however a Neighbourhood Development Order must meet any legal requirements and be in general conformity with national and local planning policy.

Community Right to Build Order

6.8 A Community Right to Build Order is defined as:
"An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development." (Page 51 NPPF).

A Community Right to Build Order (CRTBO) is a particular type of Neighbourhood Development Order with the slight difference that any community organisation (not just a parish/town council or neighbourhood forum) can produce the order.

6.9 To be eligible to produce a Community Right to Build Order, the community organisation has to meet minimum conditions, this means the community organisation must be a corporate body and meet minimum membership requirements as set out in Regulation 13 of The Neighbourhood Planning (Regulations) 2012.

6.10 A community organisation does not need to be designated by the local planning authority in order for it to develop a Community Right to Build Order in a designated neighbourhood area. The local planning authority must however consider whether the organisation meets the legal requirements to be a community organisation when a Community Right to Build Order proposal is submitted to it.

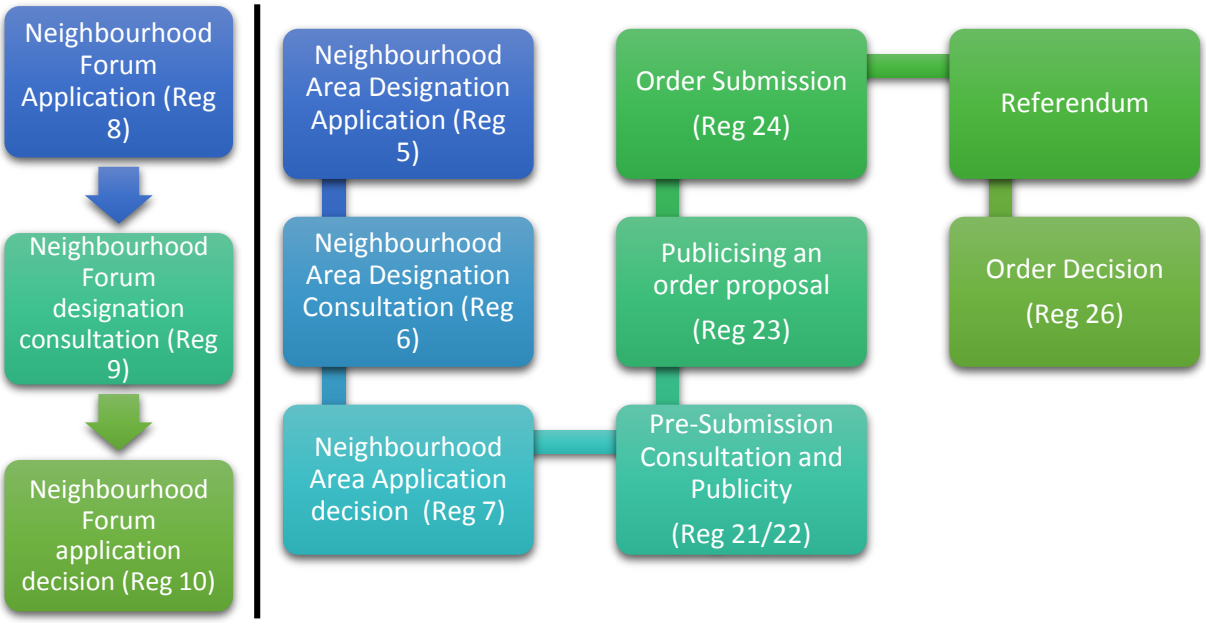
6.11 A Community Right to Build Order can be used to permit small scale development for community benefit on a specific site or sites in a Neighbourhood Area without going through the normal planning application process. Where the community organisation

wishes to develop the land itself (subject to acquiring the land if appropriate), then the resulting assets can only be disposed of, improved or developed in a manner which the organisation considers benefits the local community or a section of it.

Neighbourhood Development Order/Community Right to Build Order Stages

6.12 The key stages in the production of a Neighbourhood Development Order/Community Right to Build Order are taken from The Neighbourhood Planning (General) Regulations 2012 and are listed below.

Non-Parish Areas only



6.13 The responsibility to produce a Neighbourhood Development Order/Community Right to Build Order is with the qualifying body (parish council/ neighbourhood forum/community group). However there are certain requirements which a Local Planning Authority must undertake under the Neighbourhood Planning (General) Regulations 2012). A summary of the key consultations undertaken by the Local Planning Authority in the production of a Neighbourhood Development Order/Community Right to Build Order along with the anticipated consultation methods are provided below:

Neighbourhood Development Order/ Community Right to Build Order Stage	The Neighbourhood Planning (General) Regulations 2012)	Consultation Duration	Consultation Methods
Neighbourhood Area Designation consultation	**(Reg 6)**	Minimum of six weeks	It is anticipated that the following consultation methods will be used at all of these stages: • Written/email consultations with relevant consultation bodies, including individuals and organisations who have expressed a wish to be consulted; • Making the consultation document available on the Council's website and hard copies available at the Council offices, and other appropriate deposit points; • Inviting representation on the document through press advertisements and a prominent invitation on the Council's website; • Invitations to meet with any individual who cannot read, or who has communication difficulties, if they feel that their concerns cannot adequately be conveyed in writing; • Displaying site notices at prominent locations throughout Neighbourhood Area or vicinity of the Community Right to Build Order.
Neighbourhood Forum Designation consultation	**(Reg 9)**		
Publicising an order proposal	**(Reg 23)**		

- Note that Regulation 21 (Pre-submission consultation and publicity) is carried out by the neighbourhood forum/parish council/community group.
- In addition, Fylde Council will publish any decision notices/Examiners reports on its website and in such other manor as it considers likely to bring to the attention of those who live and work or carry on business in the area once a decision has been made, (Regulations 25/26/27).
- In addition to the above, Fylde Council will provide details of the progress of each Neighbourhood Development Order /Community Right to Build Order (including details of examination or referendum arrangements) on its website at the following address: www.fylde.gov.uk/neighbourhoodplanning/

7. CIL CONSULTATIONS

Other Consultations

7.1 In addition, to the consultations listed in previous chapters, Fylde Council will consult on other documents, such as the Community Infrastructure Levy (CIL).

Community Infrastructure Levy

7.2 The Community Infrastructure Levy (CIL) is a charge levied on development to fund the provision of infrastructure requirements.

The Community Infrastructure Levy is defined by the NPPF as: *"A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area."* (Page 51 NPPF)

Before adoption a CIL draft charging schedule is subject to examination by an independent inspector into whether:

- The charging authority (i.e. the Local Planning Authority) has complied with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations as amended;
- The draft charging schedule is supported by background documents containing appropriate available evidence;
- The proposed rate or rates are informed by and consistent with the evidence on economic viability across the charging authority's area; and
- Evidence has been provided that shows the proposed rate or rates would not threaten delivery of the relevant Plan as a whole (for England, see NPPF Framework paragraph 173).

Community Infrastructure Levy Consultation Stages

7.3 If Fylde Council decides to implement the Community Infrastructure Levy relevant organisations and individuals will be consulted in accordance with the Community Infrastructure Levy Regulations 2010 as amended by 2011, 2012 and 2014 legislation.

A summary of the key consultation stages in the production of CIL along with the consultation methods that will be used are provided below:

CIL Stage	Consultation Duration	Consultation Methods
Regulation 1,2,3 List	Minimum of four weeks	It is anticipated that the following consultation methods will be used at all of these stages: • Written/email consultations with the 'specific', 'general' and 'other' consultation bodies, including where relevant, individuals and organisations who have expressed a wish to be consulted; • Neighbouring local planning authorities; • Relevant county councils; • All parish councils; • Businesses and voluntary groups; • Members of the public. • Making the consultation document and the relevant evidence (where practicable) available on the Council's website and hard copies available at the Council offices, and other appropriate deposit points; • Inviting public representation on the document through press advertisements, press releases and a prominent invitation on the Council's website; • Invitations to meet with any individual who cannot read, or who has communication difficulties, if they feel that their concerns cannot adequately be conveyed in writing;
Preliminary Draft Charging Schedule (Regulation 15 of The Community Infrastructure Levy Regulations 2010)	Minimum of four weeks	
Draft Charging Schedule (Regulation 15 of The Community Infrastructure Levy Regulations 2010)	Minimum of four weeks	

Monitoring the Community Infrastructure Levy

7.4 Details of Community Infrastructure Levy (CIL) receipts and expenditure will be reported in subsequent Authority Monitoring Reports if and when the Community Infrastructure Levy is implemented.

PART 2-DEVELOPMENT MANAGEMENT

8. WHAT IS DEVELOPMENT MANAGEMENT?

What is Development Management?

8.1 Development Management is the process by which the local planning authority shapes, considers, determines and delivers proposals in order to facilitate the right development in the right locations.

8.2 This is largely undertaken by the determination of planning applications and other related applications. In doing this local planning authorities will work pro-actively with applicants and other stakeholders in order to facilitate high quality sustainable development.

Determining Planning Applications

8.3 Determining planning applications is the main mechanism by which the council will deliver high quality sustainable development. A summary of the key stages in the determination of planning applications is provided below. Some types of development are not subject to planning permission (known as permitted development) for a list of what requires a planning application please see the webpage below.

http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/

Key Planning Application Stages*

*Also applies to related applications such as Advertisement and Listed Building Consent.

9. PRE-APPLICATION CONSULTATIONS

What are Pre-Application Consultations?

9.1 Pre-application consultations are consultations held by the applicant prior to a planning application being submitted.

9.2 Pre-application consultations can be undertaken by applicants with:

- the local planning authority
- statutory and non-statutory consultees
- elected members
- the community

What are the Benefits of Pre-Application Consultations?

9.3 Pre-application consultations can:

- Address problems before an application is submitted, and this may reduce the chance of refusal of planning permission;
- Prevent abortive work, as refinements to the proposal can be made at an early stage;
- Provide an opportunity to explain proposals to the community, reducing the potential for misconceived objections; and
- Reduce the time and cost in obtaining a decision.

Fylde Council Pre-Application Service

9.4 Applicants for planning permission are encouraged to enter into pre-application consultations with both the community and Council officers. At present the Council does not charge for pre application discussions over householder and minor development. Any customers are invited to engage with officers at this stage by sending their proposals to planning@fylde.gov.uk. The Council is committed to providing this service, but may have to introduce small charges in the future.

9.5 Due to officer resources and time taken up with pre application advice for major applications there is a charge for this service.
More information is available at the following webpage.
http://m.fylde.gov.uk/resident/planning/advice/pre-application-advice-major-development-schemes/

Recommended pre-application consultations

9.6 A list of recommended pre application consultation measures for applicants to undertake is provided below:

Planning Application Type	Recommended Consultation Methods
Major (Applications of: • 10 or more dwellings or a site area over 0.5 hectares. • 1000 sq.m. or more gross floorspace or exceeding 1.0 hectares.)	• Consultation with Council Planning Officers. • Consultation events with the local community. • Making detailed plans available for public view. • Press notices/leaflets or letters to nearby residents. • Consultation with elected members. • Submission of a consultation statement detailing pre- application consultation measures as part of application. • Consult with the Canal and River Trust on applications in proximity to the Lancaster Canal or where proposals are likely to affect inland waterways.
Minor (Applications of: • Less than 10 dwellings or a site area under 0.5 hectares. • Other uses less than 100sqm or site area less than 1 hectare. • Smaller scale development such as domestic extensions and changes of use.)	• Verbal/written consultation on the proposals with adjacent and immediate neighbours.
Conservation/Listed Building (Any application for a listed building or that falls within a conservation area.)	• Consultation with the Council's Conservation Planning Officer. • Consultation with local or national heritage groups appropriate to the scale of project.

10. PLANNING APPLICATION CONSULTATIONS

Planning Application Consultations

10.1 Local planning authorities have a duty to consult the community, statutory consultees and other stakeholders before determining applications for planning permission and to consider any comments raised.

Who we will Consult Directly?

10.2 We will consult:

- The public - including consultation with neighbouring residents and community groups. We will write to all immediate neighbours of an application and/or post a notice on site where a proposal is prominent or there are no immediate neighbours.
- Statutory consultees – we will consult all relevant statutory consultees.
- Non statutory consultees - we will consult relevant consultees likely to have an interest in a proposed development.

10.3 Details of publicity requirements for planning applications and a list of when statutory and non-statutory consultees are required to be consulted are provided in the Planning Practice Guidance - consultation and pre-decision matters webpage in tables 1-3.

http://planningguidance.planningportal.gov.uk/blog/guidance/consultation-and-pre-decision-matters/

How to View a Planning Application and Respond

10.4 All planning applications are available to view:

- Online at the following webpage.

http://www3.fylde.gov.uk/online-applications/

- At Fylde Council Offices.

10.5 Anyone can comment on planning applications, generally there will be 21 days to respond, however town and parish councils and others are given longer with agreement in order to allow for their monthly meetings. Representations can be made either via email at planning@fylde.gov.uk, via letter or using a link to a comment page on the website available when viewing planning applications.

10.6 Representations can only be taken into account that deal with planning matters, all representations received will be open to public view and cannot remain confidential. Representations made during the consultation will be summarised in the officer's report which will state how the issues raised have been addressed in reaching the final recommendation.

10.7 In circumstances where a development proposal is subject to signficant changes during its determination Fylde Council will undertake further consultation on these with neighbours, parish and town councils and other consultees. Where a change is only minor or addresses concerns raised no such consultation will be undertaken.

Planning Application Consultation Methods

10.8 A list of consultation methods the Council will use when consulting on planning applications is presented below.

Neighbour notification	We will usually write a letter to the occupiers of any property that shares a common boundary with the application site or property, which could be directly affected by the proposal, informing them of what the application is for and inviting them to view the plans and comment.
Site Notice	• Major development (10 or more dwellings or development creating 1000 square metres of floor space or more) • Applications subject to Environmental Impact Assessment • Applications, which if approved, would be a departure from the development plan • Applications affecting public rights of way • Development affecting Listed Buildings, or their setting • Development affecting the setting of a Conservation Area • If the proposal is likely to affect people in a larger area than just neighbouring properties • Where there is open land, such as agricultural land, next to the application site

Advertisement in Local Press	• Major development (10 or more dwellings or development creating 1000 square metres of floor space or more) • Application subject to Environmental Impact Assessment • Applications, which if approved, would be a departure from the development plan • Applications affecting public rights of way • Development affecting Listed Buildings, or their setting • Development affecting Conservation Areas
Weekly Lists	• A weekly list of applications received and decisions made is available • The weekly list will be sent to local interest groups who have expressed an interest in receiving details • The weekly list will be available on the Council's website
Website	• All applications, supporting documents and other relevant details are available online via the following webpage. http://www3.fylde.gov.uk/online-applications/ • It is possible to search by application number, address and set up registrations to be alerted to applications in your area.

11. DETERMINING PLANNING APPLICATIONS

Fylde Council's Scheme of Delegation

11.1 Under Fylde Council's scheme of delegation minor or uncontroversial applications will normally be determined by officers under powers delegated by the Council to the Director of Development Services.

11.2 Conversely major or controversial applications will normally be determined by the Development Management Committee.

11.3 More information on the Council's scheme of delegation for planning applications is available in the Council's constitution at the following webpage.

http://www.fylde.gov.uk/council/constitution/

Development Management Committee

11.4 Major or controversial planning applications will normally be determined by the Development Management Committee which is a committee composed of 16 elected members who usually meet once a month to make decisions on planning applications.

11.5 Members of the public are able to make verbal representation about a planning application, where verbal objections are to be raised the applicant has a right to respond, in addition applicants have a right to address the Development Management Committee if officers have recommended refusal of their application. In order to ensure the workload of the Development Management Committee is processed efficiently speakers are limited to three minutes with comments limited to material planning considerations.

11.6 Interested parties wishing to speak at the Development Management Committee must register before 12:00 on the Monday before the Development Management Committee meets or by 4:30pm on Friday before if the Monday is a bank holiday. This can be done either by email to democracy@fylde.gov.uk, in writing or by completing the online form on the Council's website. http://www.fylde.gov.uk/meetings/ou/2/
The agenda and minutes of Development Management Committee meetings are available at the same webpage.

Planning Decision Considerations

11.7 Consultation responses will be taken into account when determining planning applications, however decisions on planning applications must be made in accordance with the development plan unless material

considerations dictate otherwise. Public opposition or support by itself is not a valid reason to refuse or approve a planning application.

11.8 A list of some of the most common material considerations that will be taken into account when deciding planning applications are presented below.

- Conformity with local planning policies/national guidance;
- Loss of outlook (but not loss of a view);
- Loss of privacy/overlooking;
- Loss of daylight or sunlight/overshadowing;
- Highways issues: highways safety, vehicular access, increased traffic generation from the proposed use;
- Noise or light pollution resulting from the proposed use;
- Visual appearance, design and quality of materials;
- Effect on character of a Listed Building/Conservation Area;
- Nature conservation; and
- Potential flood risk.

Planning Decision Time Limits

11.9 The statutory time limits to determine planning applications are usually 13 weeks for applications for major development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies) and eight weeks for all other types of development.

Notification of Decision

11.10 Following a decision on an application, a letter is sent to the applicant advising them of the decision that has been made, including details of conditions imposed. The Council's website has an "Applications On-line" service that allows the details of planning applications to be viewed, including planning decisions. If the decision is made by the Development Management Committee, then the decision is also published in the minutes on the Council's website.

12. PLANNING APPEALS

Planning Appeals

12.1 An applicant for planning permission may decide to appeal against the local authority's decision if they feel the decision made is unreasonable or if a decision has not been made within the set time period. Appeals are determined by the Planning Inspectorate, or in cases of significant national importance (when an appeal is recovered) by the Secretary of State.

Applicants Right to Appeal

12.2 Applicants have the right to appeal to the Secretary of State against a number of planning decisions made by the Council, including:

- Refusal of planning permission;
- Imposition of condition(s);
- Failure to determine an application within the time allowed;
- The serving of an enforcement notice; and
- Refusal to permit removal or works affecting trees covered by Tree Preservation Orders.

Time Limits

12.3 There are strict time limits to appeal and it is critical that these are complied with. An appeal against a refused householder or minor commercial application must be made within 12 weeks of the Council's decision. Advertisement appeals must be made within eight weeks and all other appeals within six months.

http://www.planningportal.gov.uk/planning/appeals/guidance/guidanceontheappealprocess

Notification

12.4 If an appeal is submitted, the Council will notify any interested parties of the appeal, including those who made representations before the application was determined. These representations will be sent to the Planning Inspectorate and appellant and will be considered by the Inspector when determining the appeal.

12.5 Interested parties will also be informed that any further written representations should be sent to the Planning Inspectorate within five weeks of the start date of the appeal. It should be noted that interested persons will not have the opportunity to make representations on a householder appeal due to the 'fast track' appeal process. In this instance, representations received during the planning application consultation process only will be considered by the Inspector.

12.6 Planning Appeals are determined by one of three methods:

- Written Representations - these are determined by an exchange of written statements and where necessary, a site visit by an Inspector from the Planning Inspectorate;
- Hearing – these are less formal than an inquiry, centred around a discussion between the appellant and the Council about the merits of the case and are chaired by an appointed Inspector from the Planning Inspectorate; and
- Inquiry – these are more formal in their set up, again the appointed Inspector from the Planning Inspectorate will chair the inquiry which could last a number of days/weeks and are often used for more major cases.

12.7 The Inspector will make a decision to dismiss or allow the appeal, or send a report to the Secretary of State. A copy of the decision notice will be sent to the appellant, the Council and any interested person who has requested a copy. It will also be available to view on the Planning Portal website at www.planningportal.gov.uk.

APPENDIX A: FURTHER SOURCES OF INFORMATION

Legislation

- The Planning and Compulsory Purchase Act 2004 http://www.legislation.gov.uk/ukpga/2004/5/contents
- The Town and Country Planning (Local Planning) (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/767/contents/made
- Neighbourhood Planning (General) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf
- The Town and Country Planning (Development Management Procedure) (England) Order 2015 http://www.legislation.gov.uk/uksi/2015/595/contents/made

National Policy/Guidance

- National Planning Policy Framework and Planning Practice Guidance. http://planningguidance.planningportal.gov.uk/
- Plain English Guide to the Planning System https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system
- Planning Aid http://www.rtpi.org.uk/planning-aid/
- Planning Portal http://www.planningportal.gov.uk

Minerals and Waste/Highway Planning

- Minerals and Waste / Highway Planning- Lancashire.gov.uk http://www.lancashire.gov.uk/home/2010/classic/index.asp

Fylde Council

- Planning Applications http://www.fylde.gov.uk/business/planning/
- Planning Policy http://www.fylde.gov.uk/council/planning-policy--local-plan-/
- Neighbourhood Planning Webpage http://www.fylde.gov.uk/council/planning-policy--local-plan-/neighbourhood-planning/
- Corporate Plan http://www.fylde.gov.uk/council/performance/

APPENDIX B: FYLDE COUNCIL CUSTOMER SERVICE CHARTER

Customer Service Charter

Fylde Council is committed to excellent customer service, this charter explains the standards you can expect from us.

Fylde Council

We will aim to answer your enquiry at the first point of contact wherever possible.

During office hours, we aim to answer your telephone calls within 4 rings.

When you request a service by web or email, we will acknowledge receipt and response within 2 working days.

We will reply to letters within 5 working days of receipt.

If more time is needed to answer your enquiry, you will be told who is dealing with it and how long it will take.

On average, we aim to see our customers within 6 minutes of arrival at Fylde Direct one stop shop.

IF WE FAIL, PLEASE LET US KNOW

TELEPHONE	ONLINE	POST	CONTACT	TEXT	FEEDBACK
01253 658585	Fylde.gov.uk @fyldecouncil	Town Hall, St. Anne's FY8 1LW	Fylde Direct, Public Offices, 292 Clifton Drive South, St Annes, Lancashire, FY8 1LH	07860 003290	fylde.gov.uk/haveyoursay