

Streamlined Council Consultation - Commenting on a planning application.

Revised May 2007 INFORMATION LEAFLET 3



Background

A number of local Councils* and the Planning Service have introduced a Streamlined Consultation Scheme. Under the Scheme the Council will continue to be consulted on all planning applications, however, those planning applications generally considered straightforward, non-contentious and which have attracted no objections will be circulated to Council on a weekly list of applications received and can be determined without the need to formally place them on a monthly schedule to the Council's Planning Committee.

Examples of straightforward non-contentious applications included in the Scheme are applications for extensions and alterations to a dwelling, residential garages, reserved matters, advertisements, agricultural buildings, electricity lines etc provided the application is to be approved.

This leaflet will give you advice on how to become involved in the development control planning process and assist you in commenting on a planning application. It also explains what we do with your comments. It is simply a guide and is not intended to be a formal legal document. If, when you have read it you are still in doubt, you should contact the Divisional Planning Office where the staff will be happy to give you any help you need.

The purpose of the planning system is to facilitate and manage development and the use of land in the public interest and to ensure that development takes place in ways which will contribute to a quality environment and meet economic and social aspirations.

Our aim is to help you become involved in the planning process, particularly the development control procedure. Publicity for planning applications, linked with opportunities for public comment and local Council consultation, are important parts in our decision-making process.

Publicity for planning applications

If you are affected by a development proposal, you will have a chance to consider what is proposed, and how it will affect you. You also have the opportunity to make your views known to us before we make a decision on the application.

To help you we will:

- advertise all applications in at least one local newspaper (consents to display advertisements are not advertised);
- write to people who occupy buildings on land adjoining the application site boundary, and which are also within 90 metres of it;
- make the application and plans, and any Environmental Statement available on a Public Register for people to see;
- make the application file available, by appointment. The amount of information on the file will, of course, be dependent on the stage the application has reached;
- allow you to see consultation replies, representations made by interested people and the consideration being given to the application;
- hold planning clinics in certain towns where you may inspect applications and plans on the Public Register (by appointment only);
- take account of all relevant representations we receive; and
- give reasons for our decision to those who write to us about the proposal.

What you should do if you are affected by a development proposal

It is often the uncertainty about what is proposed that causes people to be concerned or to object. If you are concerned about a development proposal, you should try to speak informally with the person who is making the application (who may be a neighbour) to confirm the details of what they are proposing. You may also visit the Divisional Planning Office to inspect the application and plans on the Public Register. **It is always advisable to make an appointment before any visit to the local office.** If, after speaking to the applicant or inspecting the plans, you still

have concerns or points you want to make to us, you should write to the Divisional Planning Office. To receive detailed consideration representations should normally reach us as soon as possible and certainly before Key Stage 2 of the process. (See section on How do we make the decision?) You may wish to visit the Agency's website www.planningni.gov.uk for more detailed information.

Your comments

In an effort to improve the overall accessibility to the planning process, all interested parties, including any member of the public, may request to see the application file and note progress. Representations, including letters of support or objection received, will therefore be available for public scrutiny on the planning application file. If you make comments about a planning application, these will be available for other members of the public to see on file. In giving your views you should concentrate on relevant planning matters. It is important to remember that, when we take a decision on an application, we can only consider those comments that are relevant planning matters. **The main issue for us is whether the proposed development of the site is acceptable in planning terms and is in the public interest. We also have to consider relevant planning policy and the effect which the proposal might have on others, and on other interests, such as the amenity of residents, the countryside, road safety, buildings or places of historic or architectural importance, and a wide variety of other matters relating to the environment.** To give you some guidance, the following are matters which Planning Service cannot take into account:

- issues covered by other regulations, for example licensing and building control;
- private property rights, for example, disputes about boundaries or access;
- the reasons why a developer is making the application or their activities elsewhere;
- moral issues related to the proposal.

To help us please quote the reference number of the planning application in your letter and set out clearly those matters which you want us to consider when we make our decision.

What happens when you comment on an application?

It is important that when you express a view, you explain clearly the reasons for your view. We will aim to acknowledge your comments within five working days of receiving them. The acknowledgement will confirm that we will consider your comments as part of the decision making process. It will also detail the key stages of the planning process and give an indication of the general timescale for the application to reach each key stage. These timescales are indicative, as the actual time taken is dependent on the complexity of the application and the material issues which arise, on a case by case basis. However, progress can be checked at any stage by simply telephoning the Divisional Planning Office. It is important to identify yourself when making representations as it may seriously affect the weight attached to your comments if you do not, particularly if they concern your own circumstances or your own property. We will tell you about our decision when it is made and provide reasons for that decision. If the person who is making the application appeals our decision to the independent Planning Appeals Commission (PAC) your comments on the application, which are already publicly available, will also be forwarded to the PAC for consideration by them as part of the appeal process. The decision of the PAC on an appeal is final.

What do we do with your comments?

We make decisions on planning applications taking account of:

- published planning policy documents including strategic, operational and local policies;
- the development plan for the area;

- any other relevant planning matters (see under Your Comments above); and
- representations we receive from the public including neighbours, local people, other interested parties and elected representatives plus the local Council.

As already indicated, comments which concern neighbour disputes, or which are made for moral reasons (often about bookmakers' shops, public houses and amusement arcades) are not normally relevant planning matters.

We cannot negotiate on your behalf with the person making the application. However, when we consider an application, we may need to suggest changes to the proposed development to make it acceptable in planning terms, although we cannot insist that it should be changed. We must issue a decision on all planning applications as submitted or amended. Our decision can be either a refusal or a permission (which can have conditions attached).

What if the application is amended?

Sometimes the person applying may amend an application while we are considering it. When the amendment is significant we will tell neighbours and/or advertise the amendment. We will also write to anyone who has submitted representations so that they can consider the change and comment on the amended proposal.

What about the effect on my property?

If you think a proposed development is going to affect the enjoyment of your property, we accept that this can be a very sensitive issue. We will take into account issues such as:

- loss of sun and daylight;
- the effect on your privacy;
- overbearing or crowding effect;
- noise, disturbance and smells.

(This list is simply a guide. It does not cover everything.)

In order to decide between public and private interests, the basic question we consider is, whether the proposal would harm matters of public interest such as residential amenity, road traffic safety or historic buildings which should be protected in the public interest.

How do we make the decision?

Key Stage 1

When a planning application is received, it is allocated to a planning officer who will:

- inspect the site at the earliest opportunity;
- consult with various organisations who may have an interest (such as Road Service, Water Service, Environmental Health); and
- consider all representations including any objections we have received.

Key Stage 2 -Discussion at an internal Planning Office Development Control Group Meeting.

Those applications considered of a straightforward non-contentious nature will be circulated to Council on a weekly list of applications received. These applications can be determined without the need to formally place them on a monthly schedule to the Council's Planning Committee provided the application is to be approved, there is no formal request from a Councillor to bring the application before Council, the application has attracted no objections and the proposal meets all relevant planning policies and other material considerations. With regard to all other applications a preliminary opinion will be formed for presentation to the next meeting of Council.

Key Stage 3

In those cases where a preliminary opinion has been formed presentation of your application to the local Council on a publicly available schedule or list of applications, with the Planning Service's preliminary opinion indicating the likely decision. The schedule which will be produced 2 weeks in advance of the Council meeting will be made available for viewing on the Planning Service web-site at www.planningni.gov.uk. Applications included in the streamlined scheme will not be included in the monthly schedule of applications.

Key Stage 4

Local Council meeting to consider your application and our preliminary opinion. This meeting is usually held within a fortnight of the Council schedule being made publicly available. Where an application meets all of the requirements of the new streamline dscheme and is considered as straightforward and non-contentious an approval will issue on completion of Key Stage 2.

Key Stage 5

If the local Council agrees with the opinion a decision normally issues within 2 weeks of the Council meeting. However, the Council can defer its consideration of an application to give an opportunity for:

- more discussion;
- a site or office meeting, if it disagrees with the Planning Service opinion;
- re-consultation, including the opportunity to make further representations;
- further consideration by Planning Service.

If we refuse planning permission, or if the applicant is unhappy with a condition attached to an approval, he or she may appeal to the PAC. If we have not made a decision on the application within 2 months an applicant may appeal directly to the PAC. The decision of the PAC on appeals is final.

If you object to a planning proposal, there is no procedure within the current planning process to initiate a planning appeal against a decision to grant planning permission. However, if you are not satisfied with the procedures we have used to reach our decision, or with the standard of service you have received, you can:

- make a complaint (see our leaflet Making a Complaint);
- refer the matter to the Assembly Ombudsman where you believe there has been maladministration;
- seek leave for a judicial review of the planning decision.

If you have commented on a proposal we will write to tell you about the decision and explain the reasons for taking that decision. In the case of the major developments, which are dealt with using the special procedures in Article 31 of the Planning (NI) Order 1991, the nature of the proposal or of issues raised by representations may mean that we have to ask the PAC to hold a Public Local Inquiry. This means the PAC can consider all relevant issues, including all representations and objections submitted, and give us a report which we carefully consider. The final decision is, however, for the Department. In most cases we will follow the recommendations in the PAC's report of the Inquiry, but there may be cases where we disagree with the recommendations. We will, however, give reasons for whatever decision we reach.

Our commitment

We are committed to giving a quality service to all interested parties involved in the development control planning application process. Everyone involved in the process will have the procedures explained, including the key stages, and will have their representations including objections considered.

Other information

If you would like more information about any part of the development control process or the matters covered in this leaflet, please contact a member of staff in your local planning office.

Remember an appointment must be made should you wish to see the planning application file; and it is always best to make an appointment before you visit the local office.

Londonderry Divisional Planning Office.

Orchard House
40 Foyle Street
Londonderry
BT48 6AT
Phone: (028) 7131 9900
Fax: (028) 7131 9777
E-mail: londonderry.planning@doeni.gov.uk

