



Hartlepool Borough Council

Statement of Community Involvement

Final Version



September 2019



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Document Summary

The National Planning Policy Framework (NPPF), updated in July 2018, sets out the Government's planning policies for England and how these are to be applied.

The NPPF, alongside the Localism Act 2011, encourages Local Authorities to place much more of an emphasis on community engagement and to make planning more inclusive to those who wish to be involved.

A Statement of Community Involvement (SCI) forms part of the Council's Local Development Framework (LDF). It is required under Section 18 of the Planning and Compulsory Purchase Act 2004 and its aim is to set out how the Council intends to engage with the community in respect of planning matters within the Borough.

1 Summary of the Hartlepool Local Development Framework

1.1 Local Development Framework (LDF)

This is the collection of Local Development Documents which will collectively provide the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of the area. The LDF aims to positively affect the development and use of land and buildings.

1.2 Development Plan Documents (DPD)

In Hartlepool, the DPDs comprise of the following:

- Hartlepool Local Plan (2016-2031) (Adopted May 2018)
 - The Local Plan sets out the spatial vision and strategic objectives for the Borough for the next 15 years.
- Tees Valley Minerals & Waste Core Strategy (2010)
 - The Tees Valley Minerals & Waste DPD sets out the long-term spatial vision and the strategic policies needed to achieve the key objectives for minerals and waste developments in the Tees Valley.
- Neighbourhood Plans
 - These are plans prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.

1.3 Supplementary Planning Documents (SPDs) and Masterplans

These documents help to give further information and detail in relation to a specific policy area to support the Local Plan. They include the following:

- Travel Plans and Transport Assessment SPD
- Hartlepool Green Infrastructure SPD
- Trees and Development SPD
- Planning Obligations SPD
- Shop Fronts SPD
- Residential Design SPD
- New Dwellings outside of Development Limits SPD

- Seaton Carew Masterplan SPD
- High Tunstall Masterplan
- Wynyard Masterplan (Emerging)

1.4 **Other LDF Documents**

- Statement of Community Involvement (SCI)
- Local Development Scheme (LDS)
- Authorities Monitoring Report (AMR)
- Local Plan Policies Map

2 Methods of Community Engagement

2.1 The Council aims to engage with and inform the community during the preparation of Planning Policy Documents (PPDs) in the following ways:

- Offering advice and answering relevant questions
- Seeking the public's views on the subject matter of the PPD
- Making background documents available which have been used in the preparation process
- Publicising documents in a variety of appropriate ways to encourage responses from as many interested parties as possible
- Providing opportunities for informal representations during the preparation of documents
- Providing opportunities to submit formal representations when PPDs are evolving
- Trying to build consensus and mediate between parties with opposing views
- Publicising the Council's decisions on representations received
- Publicising the arrangements and timing of events in relation to the PPDs

3 Equality and Diversity

- 3.1 There is a need to readdress the balance of public involvement and make an effort to ensure the views of the people and groups who have been traditionally under represented are heard.
- 3.2 The Council considers that each individual is unique and that equality, fair treatment and equal access to services should be available for all.
- 3.3 Some groups that traditionally, across the country, may have been at risk of exclusion are:
- Minority Ethnic Groups
 - Travellers/Gypsies
 - Disabled people
 - Older people
 - Children and younger people
 - Those following different religions
 - Homeless people
 - People located in dispersed rural areas
- 3.4 The Council will seek to engage with these groups and utilise the most appropriate communication networks in order to reach them whenever possible and appropriate to do so.
- 3.5 If you are a member of a particular organisational group and want to be involved in consultations on planning documents then please contact us (see Appendix 1 for contact information) with relevant details so we can add you to our consultation database.

4 How the Council Plans to Involve You in the Stages of the Plan Making Process

a) Process for the Preparation of the Local Plan (LP)

Stage 1: Data Collection Stage (evidence gathering)

- 4.1 This stage is concerned with gathering evidence about the area or topic. For larger topics, such as housing, there will be a large evidence base so the research will be carried out by a number of officers or external consultants in order to inform documents such as the Strategic Housing Market Assessment. There are also topics that although less spatially significant, are equally important, that require evidence to be collected - such as how to manage hot food takeaways.
- 4.2 The evidence collecting stage can vary depending on the document subject and at times consultants may be required to give independent views. Sometimes evidence gathering relates to technical issues and consultation may only involve statutory consultees such as the Environment Agency or utilities providers, other times it can involve surveys or questionnaires where we require input from the public to inform the development of the evidence base.

Stage 2: Issues and Options Stage

- 4.3 The Council produces an Issues and Options Document which covers the challenges which the borough faces in terms of a range of issues such as employment, housing etc. it proposes options and potential ways in which these challenges can be addressed.
- 4.4 This stage allows members of the public to be more informed regarding the issues found in the borough, and to comment on the proposed options for growth over the next fifteen years.

Stage 3: Preferred Options

- 4.5 This stage considers all of the options that are most preferable from stage 2. These are published in a document which includes policies the Council considers the most appropriate to guide development in the borough.
- 4.6 There is a consultation period of eight weeks on this document, where members of the public, statutory consultees and other interested parties are encouraged to communicate their opinions regarding the options.

Stage 4: Publication

- 4.7 The Council will publish the LP, including a Policies Map, together with the Consultation Statement, Habitats Regulation Assessment (HRA) and the Sustainability Appraisal (SA) and invite formal representations. Whilst planning regulations set out a requirement for a minimum statutory six week period, the Council will consult on this stage for eight weeks to maximise the opportunity for formal representations to be made.

Stage 5: Submission for Independent Examination

- 4.8 The Council will submit to the Secretary of State the Publication Local Plan along with the Consultation Statement setting out all of the representations made and how the Council would propose to alter the plan as a result of the representations. All supporting documents including the Policies Map, the SA, the HRA and all other supporting evidence will also be submitted.
- 4.9 If, as a result of the representations made to the Publication Stage, the Council wishes to make a major change to the plan, also known as a focused change; prior to submission to the Secretary of State it will:
- Prepare a report setting out the proposed change to the submission LP
 - Conduct a Sustainability Appraisal of the implications

- Consult the community and stakeholders on the changes for a minimum statutory period of six weeks. At the close of the consultation the Council will submit to the Secretary of State the following;
 - The proposed submission LP
 - The first representations
 - The report on the changes and,
 - Responses to the changes to the LP

Stage 6: Independent Examination

- 4.10 An independent planning Inspector appointed by the Secretary of State will consider whether the LP is 'sound' (see appendix 2). Persons and organisations making formal representations at stage 4 will have the right to be heard at an examination in public. Procedural arrangements for the examination will be established by the Inspector at a pre-examination meeting. Arrangements for the Examination will be organised by a Programme Officer, appointed by the Council but responsible to the Planning Inspector. All correspondence on the Examination is made through the Programme Officer. Those wishing to be heard will be contacted with the time, date and location of the hearing.

Stage 7: Main Modifications

- 4.11 Following the Examination in public, the Council may need to make modifications to the plan to address issues of soundness identified by the Planning Inspector. The modifications are classed as the Inspector's Modifications and are necessary to make the plan sound.
- 4.12 A minimum six week consultation will take place and the Council will then record the representations, along with a Council response, and send them onto the Planning Inspector for their consideration. Where the consultation may occur over the Christmas period, the consultation period will be extended to give everyone a fair opportunity to comment.

Stage 8: Planning Inspectors Binding Report

- 4.13 Following the end of the examination, the Inspector will submit their report to the Council. This will recommend either that the LP is 'unsound', 'sound' or can be made sound if specific changes are made to it. The Inspector's recommendations will be binding to the Council, other than if the Council choose to withdraw the plan.

Stage 9: Adoption by the Council

- 4.14 Provided that the LP is considered to be sound by the Inspector, the Council will discuss the LP within a formal full Council meeting and then adopt the LP to form part of its Local Development Framework.

Councillor Involvement in Plan Making

- 4.15 Throughout the process of preparing a Planning Policy Document, Councillors will be involved informally via discussion, meetings etc. and formally when documents are reported at Regeneration Services Committee and full Council.

b) Process for the Preparation of Neighbourhood Plans

- 4.16 The 2011 Localism Act introduced the right for communities to undertake Neighbourhood Planning activity, allowing a new way for local people to decide and shape the future of the places where they live.
- 4.17 It is important that the policies within a Neighbourhood Plan (NP) are in general conformity with the strategic policies within the Hartlepool Local Plan, and focus should be placed on guiding development as opposed to preventing it.

- 4.18 Once a plan is adopted, it will become a statutory plan and be part of the Development Plan along with the Local Plan, to be used in making decisions on planning applications in the area.
- 4.19 Neighbourhood Plans will need to conform to planning policies and guidance at a local, national and European level and meet the Neighbourhood Planning Regulations. This will be tested in an independent examination. They will also need to demonstrate involvement of the local community in the evolution of the plan and the plan will be subject to a community referendum.
- 4.20 More information about the Neighbourhood Plans being progressed in Hartlepool can be viewed online at https://www.hartlepool.gov.uk/info/20225/neighbourhood_planning/469/neighbourhood_planning
Or by contacting Planning Policy on 01429 284084.

Stage 1: Defining the Neighbourhood Area

- 4.21 An application must be made by a parish or town council or a prospective neighbourhood forum to the Council for a neighbourhood area to be designated. This must include a statement explaining why the proposed neighbourhood area is appropriate.

Stage 2: Preparing a draft Neighbourhood Plan

- 4.22 The group will develop the draft plan with the assistance of the Council. This stage includes consulting those living and working in the neighbourhood plan area, alongside any developers and landowners relating to strategic sites, identifying and assessing issues and putting together a vision and policies to assist in addressing any issues that have been raised. Those preparing a Neighbourhood Plan must also be mindful of any key sites being delivered in their area and ensure no contrasting objectives between the Plan and strategic sites.

Stage 3: Pre-submission publicity and consultation

- 4.23 The draft plan is publicised and representations are invited. Any relevant bodies, developers, landowners and residents are consulted. A copy of the draft plan is sent to the Council, along with the consultation statement and other relevant documents i.e. Sustainability Appraisal and Habitats Regulation Assessment

Stage 4: Submission to the Council

- 4.24 Once the plan has been submitted, the Council checks that the submitted plan complies with all relevant legislation, alongside assessing any impact upon the delivery of strategic sites and/or impact on cross authority boundary matters. If the Council is satisfied, the plan is publicised for a minimum of six weeks and an independent examiner will be appointed.

Stage 5: Independent Examination

- 4.25 The independent examiner will examine the plan and then issue a report of their findings. This will be used by the Council to reach a final view on if the plan should be sent to referendum or not.

Stage 6: Referendum and bringing the Plan into force

- 4.26 The Council will publish an information statement and a notice of referendum. Then a poll will take place and the results will be declared. Should more than half vote in favour of the plan then the Council will take a report to a Full Council meeting, to adopt the Neighbourhood Plan so it comes into force as part of the statutory Development Plan for the area.

c) Process for the Preparation of Supplementary Planning Documents (SPD)

Stage 1: Scoping Stage

- 4.27 Pre-production scoping is carried out to establish the need for the SPD. SPDs must link to a Policy in the adopted Development Plan. Often the need arises to address an issue or to respond to changes in legislation or policy. The Council will welcome input of relevant stakeholders and others at this stage and may seek input in the form of meetings, and written representations, dependent on the issues concerned. Involvement at this stage is expected to be targeted at particular groups or individuals.

Stage 2: Preparation (evidence gathering)

- 4.28 This stage is concerned with gathering evidence about the area or topic. The Council will undertake research and liaise with key stakeholders, who can express views on the proposed SPD.

Stage 3: Consultation on Draft SPD

- 4.29 The community and stakeholders will be encouraged to participate at this stage to ensure their early involvement in the preparation of the document.
- 4.30 The Council will assess the main issues arising out of the stage 3 consultations and prepare a consultation statement which will set out how these issues have been addressed. The Council will prepare a Sustainability Appraisal (SA) if necessary and a scoping report to ascertain whether or not an Appropriate Assessment is required.
- 4.31 Following this period of consultation, it may be that further additional changes are considered necessary. If significant changes to the SPD result from the consultation it may be necessary to undertake a further period of consultation.

Stage 4: Adoption of the SPD

4.32 The Council will consider all representations made and make any appropriate changes to the SPD. It will go to Regeneration Services Committee for debate and adoption. The adopted SPD will be published together with the statement of consultation and other relevant documents, and then become part of the LDF and be used to assist in decision making.

d) Process for the Update of the 5 Year Housing Land Supply and Strategic Housing Land Availability Assessment (SHLAA)

4.33 The Council is required to produce an annual position statement in order to confirm their 5 year land supply position. This will be submitted to the Planning Inspectorate for review.

4.34 The Council will undertake a robust stakeholder engagement process to ensure the appropriate sites have been identified and any potential disputes have been acknowledged.

4.35 The Council will seek representations from:

- Any relevant consultation bodies
- Residents or related persons carrying business in any relevant areas
- Small and large developers
- Land promoters
- Private and public landowners
- Infrastructure providers
- Upper tier authorities
- Neighbouring authorities

4.36 The Council will consider setting up a developer forum in order to gauge developers' viewpoints on the 5 Year housing land supply and the SHLAA.

This group has the potential to assist the Council in identifying potential delivery issues and finding solutions to any problems.

e) Process for the production of area-specific Masterplans

4.37 Masterplans are used to guide development in specific areas within the Borough and set out a strategic vision for what development will occur and when. Examples of these include the High Tunstall Masterplan and the emerging Wynyard Masterplan.

4.38 If there are any masterplans produced for certain developments, there would not be a statutory consultation period for these, however the Council would expect those producing the Masterplans to engage with the community and hold drop in events for residents to express their views.

5 Development Control

Background

- 5.1 When people want to carry out building works or change the use of buildings or land this involves “development”. There can be a need to obtain permission from the Council in order to ensure the effects of development are appropriately managed. Other works can also require the Council’s consent such as advertisements and works to listed buildings.
- 5.2 Development Control involves:
- The provision of informal advice on development proposals
 - The consideration of formal applications
 - The monitoring of development as it proceeds
 - Enforcement action where breaches of control take place

Pre-application Enquiries

- 5.3 The Council operates a One Stop Shop (OSS) service to give advice to anyone who wishes to carry out a proposal. The OSS aims to give a rapid and comprehensive assessment of the permissions necessary to carry out the development, provides clear advice on the merits of the proposal and where appropriate, provide suggestions which would make the proposal more acceptable.
- 5.4 The Council will seek to:
- Encourage anyone wishing to carry out minor development proposals to discuss them with their immediate neighbours
 - Encourage anyone wishing to carry out major developments to consult with the wider community having regard to the nature and scale of the proposed development

- 5.5 Some agencies' comments have significant bearing on the determination of planning applications. Depending on the nature of the proposal, developers are also encouraged to engage with appropriate statutory consultees at an early stage to discuss their development.
- 5.6 All methods of public/community involvement should seek to give sufficient information for those considering it to fully understand what is proposed and give clear advice on how and when comments can be made.

Planning Applications

- 5.7 The Government has prescribed minimum standards for publicity on planning applications. This information can be found online at:
<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#statutory-publicity-requirements>
- 5.8 The Council will advertise any planning applications in accordance with established procedures inviting comments from the statutory consultees and the local community. A minimum of 21 days is normally allowed for representations on planning applications, if you require more time then please contact the case officer to ascertain whether this can be accommodated.
- 5.9 The results of any such consultation will be reported and taken into account, alongside any other material considerations (see appendix 3) in decisions made. Decisions will be published on the Council's website.
- 5.10 The Council's Development Control Service is fully available on the Internet through its Public Access portal. This is available by logging on the Portal at:
<http://eforms.hartlepool.gov.uk:777/portal>. Anyone can easily track the progress of an application and/or comment on it via the website.

Community Consultation

5.11 Developers are encouraged to undertake pre-application discussions and community involvement. If developers do undertake community consultation they are encouraged to submit their own Statement of Community Involvement showing how they have interacted with the community and how it has helped shape the development. Appropriate information on larger schemes should be made available to ensure consultation is meaningful. This might include information packs, information on a website and through consultation events. It should be clear how people might respond and the timescale for the receipt of responses. In undertaking such exercises, developers and applicants should ensure that any data protection issues that might arise are addressed. As a minimum, these consultations would be recommended to take the form of:

- Letter to neighbours for schemes which could affect immediate neighbours
- Site notices for schemes that will affect more than immediate neighbours
- Press adverts for schemes of much wider significance

5.12 It is compulsory¹ for the developer/applicant to undertake pre-application consultation with local communities for wind turbine applications that would be considered as “significant”. The 2015 Development Management Procedure Order provides more information relating to when consultation on wind turbine development is required. It should also be noted that any such applications need to be accompanied by particulars which set out how the developer has complied with the pre-application consultation requirement, set out the responses received to those consultations and set out the account taken of those responses by the developer/applicant.

¹ Town and Country Planning (Development Management Procedure and Section 62A Applications (England) (Amendment) Order 2013 (S1 2932).

5.13 The council requires the developer/applicant to carry out community consultation on major applications and wind turbine applications for a minimum of 21 days. Again, consultations should follow the advice outlined in 5.11 above in undertaking the required consultation.

Planning Obligations and Legal Agreements

5.14 Some applications may have a legal agreement by which they have to provide planning obligations. This agreement is entered into between a developer, the Council and any other interested parties, under Section 106 of the 1990 Town and Country Planning Act.

5.15 One of the uses of obligations is to secure contributions which may be required to address the impacts arising from a development. They are more widely used to ensure that a variety of critically essential infrastructure is secured, which is fundamental to any grant of permission and cannot be achieved by a conventional planning condition.

5.16 Every planning obligation must accord with the government's guidance and meet the following tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

5.17 Planning officers will accordingly negotiate with developers to ensure that planning obligations are legally secured. Officers aim to have legal agreements in place prior to decision making. If this is not possible, the decision will be issued subject to the Section 106 agreement, no formal decision will be issued until the S106 is signed.

5.18 Details of any planning obligations secured will be made available for public inspection.

Decision Making Routes

Delegation

- 5.19 A Development Control Officer makes a recommendation on all planning and other applications when they are determined. Once the officers have all the relevant information regarding the application, they will come to a view as to whether to approve or refuse the application. They will take into consideration policy, representations and other material planning considerations. The route of decision making will be in accordance with the current scheme of delegation which is set out on the Council's Constitution which allows for certain applications to be determined by senior officers, or by senior officers with the agreement of the chair.

Planning Committee

- 5.20 Certain applications which fall outside the scheme of delegation will be determined by Planning Committee.
- 5.21 Those making representations can, where an application is to be determined by Planning Committee, address the Planning Committee should they wish to do so. Those wishing to speak must indicate this in any representations in order for arrangements to be made to invite them to the appropriate committee where the application will be determined. Speakers for and against applications are permitted at Committee and four minutes are given to make a case. Where more than one person wishes to speak (either for or against), they will be asked to contact each other and make arrangements for one person to speak covering all issues. More information about Planning Committee can be found online at:
https://www.hartlepool.gov.uk/info/20222/planning/604/planning_committee

After Permission is granted

- 5.22 Once a decision has been made the Council will record the details on the Planning Applications Register which is open to public inspection.
- 5.23 The Council will issue a decision notice and applicants are advised to keep a copy of this notice.
- 5.24 Planning obligations secured will be monitored so that details can be made readily available to members of the public, the developer and Councillors.

Appeals

- 5.25 Where a planning application has been refused, only applicants have a right of appeal. A person or organisation that has objected to a proposal has no right of appeal if an application is approved or refused.
- 5.26 Everyone who wrote to object or support an application will be notified in writing of the appeal and how to make their views known.

Additional Information

- 5.27 Further information about the Council's Code of Practice in relation to Planning can be found online at:
https://www.hartlepool.gov.uk/downloads/file/4813/hartlepool_borough_councils_constitution_2018-19_part_5_-_codes_and_protocols
Alternatively you can contact Development Control at 01429 283741.

6 Data Protection

- 6.1 Hartlepool Borough Council will collect and process personal information in line with our legal obligations, details of which can be found on our website www.hartlepool.gov.uk/GDPR or by telephoning 01429 266522. Personal information will be handled in accordance with the General Data Protection Regulation.

7 Appendix 1 - Useful Contacts

Council Contacts

- 7.1 Planning Officers are available to discuss the Local Development Framework, including this Statement of Community Involvement.

Telephone: 01429 284084

Email: planningpolicy@hartlepool.gov.uk

- 7.2 For information regarding planning applications please contact the Development Control Section as below.

Telephone: 01429 523741

Email: development.control@hartlepool.gov.uk

Further Information

- 7.3 Information and guidance on the planning system is available on the Internet on the Planning Portal at: www.planningportal.gov.uk

8 Appendix 2 - Testing Soundness

8.1 The independent examinations that will be carried out on the Local Plan and other Development Plan Documents will primarily test their 'soundness'. In assessing whether the Development Plan Documents are sound, the Inspector will determine whether the document is:

- (i) Positively prepared
- (ii) Justified
- (iii) Effective
- (iv) Consistent with national policy

(i) Positively prepared

8.2 The plan should be based on an aspirational yet realistic strategy which seeks to improve the quality of life within the borough, and is consistent with achieving sustainable development.

(ii) Justified

8.3 For a Plan to be justified it needs to be:

Founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area
- Research/fact finding – the options made in the plan are backed up by evidence.

(iii) Effective

8.4 All Plans should be effective which means they are:

- deliverable,
- flexible, and
- able to be monitored

8.5 Deliverable: A Plan should show how the vision, objectives and strategy of the particular subject will be delivered and by whom, and when. This includes making clear which resources are needed to support the strategy, that those

resources will be provided, and ensuring that what is in the plan is consistent with other relevant plans and strategies within the Council. This evidence must be strong enough to stand up to independent scrutiny.

8.6 Flexible: To be flexible, a Plan must be able to deal with changing national, regional or local circumstances. In the arena of public involvement, resource allocation and evidence gathering, many issues may change over this time and the Council has to be prepared should those changes occur.

8.7 Able to be monitored: A Plan must have clear arrangements for monitoring and reporting on plan progress. Monitoring is essential for an effective strategy and will provide the basis on which the contingency plans within the strategy would be triggered.

(iv) Consistent with National Policy

8.8 All Plans should be consistent with national policy. If national policy has not been followed, the Council must have clear and convincing reasoning to justify the approach.

8.9 A Plan will only be sound if it meets the above tests and the further three tests below:

- it has been prepared in accordance with the Local Development Scheme,
- it has been prepared in compliance with the Statement of Community Involvement, and
- the plan and its policies have been subjected to a Sustainability Appraisal.

8.10 A Plan may also require a Habitats Regulation Assessment, if it is considered likely to have significant effects on European habitats or species, located in the area covered by the plan.

9 Appendix 3 - Material Considerations

9.1 When a decision is made on a planning application, only certain issues are given weight towards the decision, these are 'material planning considerations' and are anything that may be considered relevant. These include:

- Local, strategic, national planning policies and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- Pre-application planning consultation carried out by, or on behalf of, the applicant
- Government and Planning Inspectorate requirements
- Previous appeal decisions and planning Inquiry reports
- Principles of Case Law
- Loss of sunlight
- Overshadowing/loss of outlook
- Overlooking and loss of privacy
- Highway issues
- Noise or disturbance
- Smells and fumes
- Capacity of physical infrastructure
- Deficiencies in social facilities
- Storage and handling of hazardous materials and development of contaminated land
- Loss or effect on trees
- Adverse impact on nature conservation interests and biodiversity opportunities
- Effect on any heritage assets
- Incompatible or unacceptable uses
- Local financial considerations offered as a contribution or grant
- Layout and density of building design, visual appearance and finishing materials

- Inadequate or inappropriate landscaping or means of enclosure

9.2 Non-material planning considerations, those that aren't relevant to the decision include:

- Private issues between neighbours
- Problems arising from the construction period
- Opposition to the principle of development that has been settled by an outline planning permission or appeal
- Applicant's personal circumstances
- Previously made objections/representations
- Factual misrepresentation of the proposal
- Opposition to business competition
- Loss of property value
- Loss of view