

Public Document Pack
Crawley Borough Council



Planning Committee
Supplementary Agenda
Tuesday, 7 November 2017

**10. Consultation with Surrounding Local Authorities
(Information Item)**

Pages

3 - 18

To consider report PES/241(z) by the Chair of Planning Committee.

The Chair of the Planning Committee will introduce this information item on the process of Consultation with Surrounding Local Authorities.

The Committee is asked to **note** the details contained within this information item.

NOTE: The Chair has agreed that, although this report and information was not available for at least five clear days before the meeting, there are special circumstances justifying its urgent consideration.

This information is available in different formats and languages. If you or someone you know would like help with understanding this document please contact the Democratic Services Team on 01293 438549 or email: democratic.services@crawley.gov.uk

This page is intentionally left blank

Agenda Item 10

Planning consultations

This note sets out the background to consultations undertaken as part of the planning process.

Nationally, the statutory requirements to consult a variety of organisations on different types of planning applications are set out in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#). Members may find the further explanation of the consultation process and detailed guidance on implementation given in the [National Planning Practice Guidance](#) useful.

Different methods of consultation include press notices, notices displayed on or close to the site and individual letters sent to neighbouring properties. The Council has a statutory requirement to consult certain organisations on specific matters, such as Highways England on proposals affecting a trunk road. Other consultations cover those with a more general interest, such as adjoining properties.

Locally, in 2010, the then Development Control Committee agreed revised publicity procedures for Crawley. These are set out in the attached report and detail the method of consultation to be undertaken by the Council for different application types. The local procedure ensures that the Borough Council complies with the various legislative requirements.

With specific regard to applications at Gatwick Airport, a Memorandum of Understanding has been agreed with eight adjoining planning authorities. This detailed document covers a wide range of planning matters affecting the airport. As a result of the Joint Area Action Plan prepared in relation to the development at Kilwood Vale and the joint working that stemmed from it, Horsham District consult Crawley on all significant applications relating to this site.

There have been recent discussions locally focussing on neighbouring planning authority consultations. The 2015 Order requires us to consult where development is *“likely to affect land in”* an adjoining district. Whilst open to some interpretation, by way of example, planning officers would generally expect to consult/be consulted on major developments, schemes with significant transport implications, noise generating/polluting schemes or proposals that could involve overlooking, loss of light or other amenity issues affecting adjoining properties immediately over the boundary.

Recently, Crawley Borough Council has been consulted by Horsham District Council on Kilwood Vale applications and, in turn, we have consulted Mid Sussex District Council on Forge Wood applications. These would tend to be the large scale, strategic applications for those developments, rather than ones dealing with detailed house designs.

Other recent examples of cross boundary consultation include an endurance event attracting hundreds of members of the public and a waste transfer station (both for traffic generation reasons), an application for a workshop south of Pease Pottage services (proximity to the A23 junction and traffic) and a greyhound sanctuary (site in Reigate and Banstead, but with sole vehicular access through Crawley).

Consultations received by the Council from adjoining local planning authorities are included on the weekly list of new applications. Officers have delegated powers to respond to such consultations as any comments must be submitted within 21 days. If Members have specific concerns about particular schemes on which the Council has been consulted, they should contact the case officer.

Agenda Item 10

Some cases are subject to Member call in, such as the site at Pease Pottage, and can be considered by the Planning Committee if time permits.

Finally, it should be emphasised that a formal consultation letter is not required in order to comment. An interested party can comment on any planning application in order to raise material planning considerations.

12th / 01 / 2009

**Appendix 2
GATWICK AIRPORT JOINT LIAISON ARRANGEMENTS
("The Protocol")**

Introduction

This document gives guidance on liaison and consultation arrangements which will be implemented by Crawley Borough Council and West Sussex County Council arising from the 'Memorandum of Understanding' signed by all the Airport Authorities.

The 'Memorandum of Understanding' was signed by the following Authorities:

- Crawley Borough Council
- West Sussex County Council
- Surrey County Council
- East Sussex County Council
- Mole Valley District Council
- Reigate and Banstead District Council
- Tandridge District Council
- Mid Sussex District Council
- Horsham District Council

Development Control

1. Consultation Procedures on major planning applications as defined in the General Permitted Development Order 1995 and consultations regarding permitted development.
 - a) CBC will advertise all major planning applications and those applications involving a departure from the Development Plan in the Crawley Observer.
 - b) The Head of Planning Services at CBC will ensure that the neighbouring Airport Local Authorities will be notified about developments at the airport where they:
 - ◇ exceed 300 square metres of built development or a site greater than 1 hectare; or
 - ◇ could have a significant impact on the progress of the Development Strategy; or
 - ◇ could have a significant impact on an adjacent Local Authority area; or
 - ◇ would involve land beyond the current allocated areas as defined in the Crawley Borough Local Plan 2000 Proposals Map.

NB East Sussex County Council need only be notified on planning proposals upon request.

The notification will include copies of the application form, supporting statements and a site plan. Where an Airport Local Authority wishes to look at the detailed plans, they should contact the relevant case officer who will make arrangements to forward the plans to them.

- e) CBC will ensure that the weekly list of planning applications is circulated to all the Airport Local Authorities including East Sussex County Council. Should any Airport Local Authority wish to be formally notified of a proposal the Head of Planning Services will ensure the appropriate planning application details are sent to the requesting Airport Local Authority;
- c) Where an Airport Local Authority requires further information regarding a planning proposal, they may contact BAA Gatwick directly, but are asked to copy the request to CBC and ensure that CBC are copied any response from BAA Gatwick.
- d) Where an Airport Local Authority requires further information, they should contact the relevant case officer within the formal notification period. Where further information has been requested CBC will consider whether the time for considering the proposed development can be extended.
- e) CBC will ensure that those Airport Local Authorities who have either requested further information or raised objections within the notification period, will be advised of the likely committee date for considering the proposal;
- f) Where appropriate an Airport Local Authority may request to meet BAA Gatwick to discuss applications or consultations. The Authority is asked to invite CBC and provide brief notes of the meeting within one week of the meeting taking place.
- g) Where supplementary information is provided on applications to which an Airport Local Authority has raised objections or sought further information, CBC will ensure the information is circulated to the appropriate Airport Local Authorities.
- h) Where Environmental Impact Assessments are required to be submitted with a proposed development, CBC will ensure that the Airport Local Authorities are consulted on the scope of such studies.

- i) Where other environmental assessments and studies are prepared for major planning applications, CBC will consult those Airport Local Authorities most directly affected by the proposal.
 - j) All Airport Local Authorities will inform each other on all proposals for off-airport car parking proposals and of the intended action against unauthorised car parking development within their area.
2. Revision of Supplementary Planning Development Note on development at Gatwick Airport

Any proposed revisions to the SPD will be progressed initially through the Gatwick Officers Group (GOG). All Airport Local Authorities will be consulted on any proposed amendments to the Guidance before the revisions are formally considered by CBC.

3. Joint Authorities Member Meetings

Crawley Borough Council has responsibility for administering and providing secretariat services for the Joint Member meetings. It is intended that there will be at least two meetings per year timed to coincide with the production of BAA Gatwick's Annual Monitoring Report. These meetings are likely to take place in April, to consider actions arising from the draft AMR [as per monitoring arrangements] and in September to consider progress on the commitments/targets and obligations following publication of the final verified Annual Monitoring report. The agenda for the meeting will be agreed between CBC and WSCC following consultation with the Gatwick Officers Group.

4. Gatwick Officers Group

It is intended that the Gatwick Officers Group meet at least 4 times a year. Meetings will be arranged in advance of the Joint Authority Member Meetings and to discuss any major issues arising from:

- any reports published by BAA Gatwick in relation to the Gatwick Airport Master Plan, Gatwick New Commitments, Action Plans and Surface Access Strategy;
- the submission of major planning applications or consultations;
- co-ordination of liaison arrangements between Authorities;
- any remedial measures put forward by BAA Gatwick;

- other issues relating to the development of the airport of common interest.

Monitoring

1. Consideration of Annual Monitoring Report Remedial Measures by BAA Gatwick

CBC will distribute a Draft Verified Annual Monitoring Statement published by the independent consultants. The report will be examined by the two Planning Authorities for errors or lack of clarity. The final verified Annual Monitoring Statement will be circulated to all the Airport Local Authorities by CBC through the GOG representatives.

The Statement will be reported to the Joint Local Authorities Members meeting. Each Authority will then consider the report individually and send comments to the two planning Authorities and BAA Gatwick. The two planning Authorities will consider the Verified Annual Monitoring report taking into account the comments of the surrounding Airport Local Authorities, GATCOM and the Gatwick Area Transport Forum (or their representative sub-groups). CBC will ensure that BAA Gatwick are presented with copies of each of the Authorities responses.

2. Participation by Authorities in Monitoring

Where appropriate all Airport Local Authorities will provide or participate in the monitoring process where appropriate in accordance with the Memorandum of Understanding.

Surface Access

1. Traffic counts and surveys

The results of all traffic counts and surveys undertaken by WSCC or SCC required to support initiatives in the Horley/Gatwick/Crawley area will be made available to each other, and notified to the Gatwick Airport Transport Forum and CBC.

2. Extension of Fastway to adjoining areas

WSCC will initiate liaison arrangements with all Gatwick Authorities and other local Authorities (e.g. Brighton and Hove Council) to consider opportunities for extending Fastway proposals to other Districts.

3. Access provision Povey Cross

Within the confines of Obligation 5.5 of the Gatwick Airport Legal Agreement, WSCC and SCC must jointly agree to any new public

bus services using the Povey Cross access to the airport following consultation with CBC and MVDC.

4. Noise attenuation measures along the M23

CBC will co-ordinate negotiations with DfT and RBBC and TDC to discuss noise attenuation along M23.

5. Action plan for off-airport parking in residential areas

CBC will continue to arrange at least one meeting a year with other Officers from the surrounding Gatwick Authorities and BAA Gatwick to discuss and monitor unauthorised airport car parking in residential areas surrounding the airport. The minutes of the meeting will be passed onto the Gatwick Co-Ordination Group for information and where appropriate comment.

Note: The new Agreement requires 2 meetings a year

6. Gatwick Airport car parking survey

CBC will continue to coordinate and facilitate regular annual meetings to discuss the arrangements for undertaking a Gatwick Airport passenger car parking survey (including unauthorised off-airport sites) and to issue the results of that survey.

Air Quality

1. Monitoring and modelling

(a) CBC will arrange at least 1 meeting a year (normally Nov/Dec) to discuss Air Quality Monitoring and Modelling issues and outcomes with the surrounding Gatwick Authorities and BAA Gatwick.

(b) CBC will circulate to all Gatwick Local Authorities any reports submitted by BAA Gatwick regarding Air Quality within 3 weeks of receipt.

(c) All Gatwick Authorities will circulate any reports concerning Air Quality monitoring in their Area to other Gatwick Authorities within 3 weeks of their publication

Ground and Air Noise

1. Liaison and Consultation

CBC will circulate to all Gatwick Local Authorities any reports submitted by BAA Gatwick regarding Ground and Air Noise within 3 weeks of receipt.

2. Joint Lobbying

CBC will co-ordinate negotiations between the surrounding Local Authorities, BAA Gatwick and DfT with a view to discuss potential measures to improve the noise climate for residents in the surrounding area and to improve detection rates for the monitoring of noise levels on departures. The agenda for the meeting to be agreed at an appropriate GOG meeting.

Landscaping

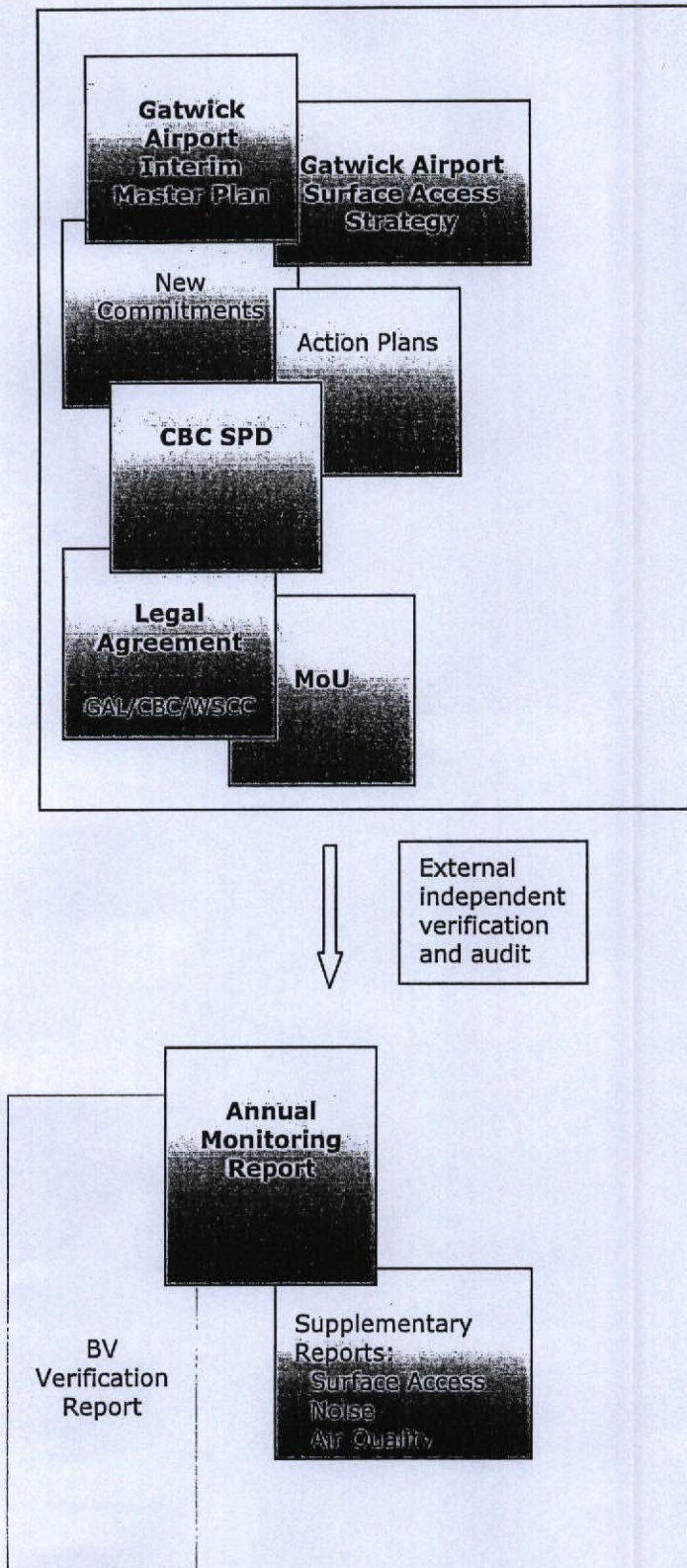
1. Consultations

CBC will circulate to all appropriate Local Authorities any reports, action plans or management plans prepared by BAA Gatwick regarding landscaping (both on and off airport), bio-diversity, countryside management and lighting.

Monitoring of the Procedures and Programme

It is intended that CBC and WSCC will review the procedures and programme contained within this document over the next 12 months, in consultation with the other Airport Authorities.

Appendix 3
SCHEMATIC OF GATWICK KEY DOCUMENTS



DATED

12th January

2008/9

WEST SUSSEX COUNTY COUNCIL
and
CRAWLEY BOROUGH COUNCIL
and
SURREY COUNTY COUNCIL
and
MOLE VALLEY DISTRICT COUNCIL
and
REIGATE AND BANSTEAD BOROUGH COUNCIL
and
TANDRIDGE DISTRICT COUNCIL
and
HORSHAM DISTRICT COUNCIL
and
MID SUSSEX DISTRICT COUNCIL
and
EAST SUSSEX COUNTY COUNCIL

**MEMORANDUM OF
UNDERSTANDING**

relating to

Gatwick Airport

A KERSHAW
HEAD of LEGAL SERVICES
West Sussex County Council

Crawley Borough Council

	Report No:PES/10	B
--	------------------	----------

Report to Development Control

22 November 2010

Publicity/Notification In Respect of Planning Applications

1. Key Points

- 1.1 This report considers the appropriate level and scope of Publicity and Notification to be adopted in respect of planning applications.

2. Recommendations

- 2.1 **The Committee is recommended to adopt the recommendations towards Publicity and Notification set out in paragraphs 7.1-7.6 of this report**

ANGELA TANNER

Head of Planning and Environmental Services

3. Background

- 3.1 The Council's policy towards publicity for planning applications was adopted by the then "Planning Committee" on the 1st September 1992.
- 3.2 Publicity for certain types of development is governed by the Town and Country Planning (Development Management Procedure) Order 2010. This Order together with Circular 15/92 and the new Regulations affecting Listed Buildings and Conservation Areas - the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010, also offer guidance on the appropriate level and methods of statutory publicity and notification for the various types of planning application.
- 3.3 The Development Control Service is currently undergoing a Systems Thinking Intervention which has identified the need to update and review the procedures for giving publicity to the receipt of planning applications.

4. The Town & Country Planning (Development Management Procedure) Order 2010 (DMPO) and Circular 15/92 "Publicity for Planning Applications" the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010

- 4.1 By virtue of the DMPO, the following types of application must be publicised by the display of a Public Notice both in the local press and on site:
 - 1. Development where the application is accompanied by an Environmental Statement;
 - 2. Departures from the Development Plan
 - 3. Development affecting a public right of way;
 - 4. Development affecting a Listed Building or its setting;
 - 5. Development affecting the character or appearance of a Conservation Area or requiring Conservation Area Consent.
- 4.2 With regard to "Major Development", as defined in the DMPO, a press notice **and** either neighbour notification **or** a site notice is required.
- 4.3 All other planning applications must be publicised by the local planning authority, **either** by a site notice **or** by notification to adjoining owner/occupiers (Article 13 of the DMPO 2010)
- 4.4 Article 13 (7) of the DMPO and the Listed Buildings and Conservation Areas Regulations 2010 require the Council to publish certain details of all planning applications and applications affecting Listed Buildings and Conservation Areas on its website:
 - 1. the address or location of the development;
 - 2. the description of the proposed development;
 - 3. the date by which representations should be made;
 - 4. where and when copies of applications, maps etc are available for public inspection;
 - 5. how representations can be made; and

6. that where representations are made on householder applications, in the event of an appeal, those representations may also be used for appeal purposes and there will be no further opportunity to comment.
- 4.5 The following types of application require the display of a site notice by the developer:
 1. Permitted Development requiring prior notification to the local planning authority eg Telecoms, agricultural development
- 4.6 The Council has a responsibility for deciding on a case by case basis, which applications outside the “major” category warrant press publicity in addition to either the site notice or neighbour notification because of the potential impact of the development eg noise, dust level of activity.
- 4.7 When determining which is the most appropriate choice between a site notice and neighbour notification, Circular 15/92 suggests that where a press notice is not required, neighbour notification may be more appropriate where interested parties are likely to be in the vicinity and site notices are more likely to be effective where there is uncertainty who the interested parties are or because the development is likely to be of interest to more than immediate neighbours.
- 4.8 Although it is accepted that it is not part of the statutory requirements, Circular 15/92 gives advice on what may be considered to be “neighbouring land” eg. land which is coterminous with or within 4 metres of the boundary of the application site. Where a road falls within the 4 metres it is to be discounted in deciding whether properties fall within that distance eg land opposite the application site.
- 4.10 There are several application types that fall outside the definition of “planning applications” which are dealt with by the Council. The most common types are applications to undertake work to protected trees, applications for consent under the Advertisement Regulations and applications for Certificates of Lawfulness. The Regulations do not require these applications to be publicised.

5. Current Practice in Crawley:

- 5.1 The Council produces a weekly list of applications received, which is sent by email to interested parties who have requested this information. The website also contains a list of those applications received and decided in the previous seven days.
- 5.2 All Members of the Council receive a copy of the weekly list of applications.
- 5.3 With regard to the application types listed in paragraph 4.1, the Council publishes a press notice **and** a notice on site **and** also notifies neighbouring properties. The press notice is also published on the Council’s website. This publicity exceeds that required by the DMPO

- 5.4 With regard to “Major Applications”, the Council publishes a press notice (both in the press and on the website), a site notice **and** undertakes neighbour notification. This is beyond that required by the DMPO.
- 5.5 For all the other applications the Council produces a site notice which it invites the applicant to display **and** notifies neighbouring properties.
- 5.6 Whilst the Council does not undertake neighbour notification in respect of applications for Certificates of Lawfulness as these applications raise matters of fact and law and not policy or interpretation, neighbours are notified of applications that affect trees and those that propose advertisements.
- 5.7 The extent of neighbour notification broadly follows the advice given in Circular 15/92 in that all properties adjoining an application site will receive a letter. The discretionary part of the advice is taken much wider with greater publicity than strictly required being common. It is estimated that neighbour notification costs the Council in the order of £8,000-£10,000/annum.
- 5.8 The publication of Notices in the press cost the Council an average of almost £12,000/year in the past three years. The previous government published a consultation paper regarding publicity for planning applications and this Council, together with most local planning authorities, argued that the Press Notice was an anachronism given publicity on site, the website and neighbour notification all of which were felt to be more effective channels of communication than the local press. However such views were not successful in achieving change.
- 5.9 The Local Government Association has recently revived calls to scrap the requirement for press notices and the Government has invited input from other interested parties on the issue, although it has declared that there are unlikely to be changes in the short term.

6. Conclusions

- 6.1 It can be seen by reference to the provisions of the DMPO, that it is incumbent upon the local planning authority to publicise planning applications. Advising the Community of proposed development which may affect their locality is also an important element of engaging local residents and is part of the Council’s LDF Statement of Community Involvement. However, in the light of technological changes and improvements and budgetary constraints it is necessary to question the effectiveness and cost of current arrangements.
- 6.2 The statutory requirement to publicise certain types of development in the local press has been questioned in the recent past by local planning authorities but it remains possibly the single most expensive element of the publicity arrangements and one whose effectiveness must be questioned, given the relatively low circulation figures for the local press and the ease of access to Council websites. In Crawley’s case, in respect of the cases listed in paragraph 4.1, we undertake all three elements of publicity for these cases (press, site and neighbour notification). If it remains a requirement to publish a press notice it could be appropriate to cease to send neighbour letters in these cases as it is not required by statute.

- 6.3 With regard to “Major applications” we also use all three elements of publicity. Again if it remains a requirement to publish a notice in the press it would be possible under the statute to dispense with either the site Notice or neighbour notification. Were the neighbour letters dispensed with in the above two sets of cases there could be savings of between £2,000 - £2,500.
- 6.4 With regard to the other forms of planning application, the Council currently provides a site notice for the applicant to display and whilst applicants are advised that, in the event the notice is not displayed there could be delays whilst additional neighbours are notified; in practice this seldom happens given the widespread notification that happens already. It is concluded that the “voluntary” site notice achieves very little and could be dispensed with as neighbour notification is more direct and effective.
- 6.5 Applications to undertake work to protected trees rarely raise local issues and similarly, perhaps because of their tendency to be in commercial areas, applications for advertisement consent tend to be non controversial. Cases where the Council is consulted by other statutory undertakers eg Gatwick Airport, Network Rail, also seem to raise few issues albeit the Council sends out individual letters to neighbours. In the event that the Council were to cease to send letters in these cases there could be a saving of c £ 1,600.

7. RECOMMENDATION:

- 7.1 It is **recommended** that representations be made to the Government that the requirement to publish notifications of certain types of planning applications in the local press is outdated and relatively ineffective given the greater accessibility and prominence of local planning authorities’ websites and the effectiveness of direct communication. This form of publicity is also relatively expensive and could be the source of significant savings both locally and across the Country.
- 7.2 In the event that the above representations are not successful and in the interim it is **recommended** that where planning applications require a press notice and a site notice, the present practice of also sending individual neighbour notifications be ceased. Applications will still appear on the “Public Notice” section of the website and in the weekly list.
- 7.3 Where applications require a press notice **and** either a site notice **or** individual notification it is **recommended** that the practice of sending individual letters be ceased.
- 7.4 For all other planning applications it is **recommended** that the present practice of printing a site notice for the applicant to display be ceased and individual neighbour notification be limited to those properties contiguous with the application site and those immediately opposite the site where the development is visible from the street
- 7.5 If the representations in paragraph 7.1 are accepted and the legislation amended, it is **recommended** that such planning applications are publicised by way of individual neighbour notification in the same manner as other

applications but that officers be given the discretion to widen the area of notification in cases likely to have wider environmental impact.

- 7.6 It is **recommended** that neighbour notification in respect of proposed work to protected trees and applications for Advertisement Consent and Consultations from other bodies cease.

8. Reasons for the Recommendations:

- 8.1 The Council's policy towards publicity for planning applications has been in place for some time - almost 20 years. In that time there have been significant advances in electronic communications that have by and large overtaken previous media. In addition the Development Control Systems Thinking Intervention identified a need to update and review current procedures.
- 8.2 The cost of the present publicity arrangements, particularly for press notices is not insignificant and together with the other elements of the Policy such as voluntary site notices and neighbour notification present opportunities for savings in postage, stationery and officer time. If the requirement to publicise press notices is removed this could result in savings of c £12,000/pa. If the requirement is retained, savings proposed in this report will be more modest at c £ 2,000-£4,000

9. Background Papers

- 9.1 Town and Country Planning (Development Management Procedure) Order 2010
Circular 15/92 "Publicity for Planning Applications".
Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2010

Contact Officer:- Paul Fairham
Direct Line:- 01293 438535