

# Crawley Borough Council

	Report No:PES/10	<b>B</b>
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## 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**

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**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 1<sup>st</sup> 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 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

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