

25th SEPTEMBER 2014

REPORT OF HEAD OF REGULATORY SERVICES

PUBLICITY FOR PLANNING APPLICATIONS

1. PURPOSE OF THE REPORT

- 1.1 This report is intended to invite the Committee to discuss the current arrangements for the publicity of planning applications and whether it is desirable for them to be amended.

2. RECOMMENDATION

- 2.1 **The Committee are invited to indicate their favoured approach and provide further consideration following an assessment of the financial and resource implications at a future meeting.**

3.0 BACKGROUND

- 3.1 Members will be aware of the current 'consultation strategy' for planning applications and that has evolved over time, the most recent changes being in April 2013. The strategy is attached as Appendix A.
- 3.2 The Strategy follows national advice but significantly exceeds this in several areas (the document itself indicates where it is exceeded). However, despite this, there is frequent criticism that the approach does not provide sufficient awareness to near neighbours and the wider public of applications.
- 3.3 This criticism has been made particularly in respect of proposals that may not have adjoining neighbouring properties to whom individual letters are sent, and as a result publicity is undertaken by means of site notices and press advertisement. Applications for wind turbines are one such example.
- 3.4 Similar comments have also been made regarding applications which may require letters, but whose impact is felt beyond the immediate neighbours, typically 'medium scale' development such as a modest number of new houses.
- 3.5 The experience of recent applications provides a mixed picture. There are examples of the same level of notification of similar scales of development providing very different outcomes. For example, the single turbine at Somerby (13/00540/FUL) generated some 1500 representations, whilst that at Frisby Grange, Frisby (13/00846/FUL) – publicised in exactly the same manner – initially attracted only 6. The publicity afforded was the subject of complaint of the nature described at 3.3 above and the objectors even went so far as to place a newspaper advert themselves in order to create wider publicity (ultimately we received 35 representations).
- 3.6 The purpose of the consultation strategy is to provide a fair and reasonable approach to publicising applications whilst at the same time taking into account operational efficiency and fairness also to the applicant. The starting point are the legislative requirements (set out in Appendix A), on which applicants would base their

expectations. However both good practise guidance and our local procedures have for many years exceeded this requirement, by a substantial margin. It is suggested that the Committee should review the arrangements with a view to 'striking a balance' between the often competing interests of applicants and objectors.

4.0 OPTIONS APPRAISAL

4.1 OPTION A

Restrict notification to statutory requirements only.

ADVANTAGES	DISADVANTAGES
Less bureaucracy and financial and resource implications	Significantly 'backwards' in terms of Melton's traditional approach.
Potential efficiency savings	Incompatible with our core values of being 'open' and 'inclusive'
Meets some applicants expectations	Incompatible with the Corporate Objective of seeking to encourage resident to take part in decision making

4.2 OPTION B

No change (See Appendix A)

ADVANTAGES	DISADVANTAGES
No administrative implications in terms of adjusting arrangements	Fails to meet complainants aspirations
No additional financial or other resource implications	Limited compatibility with our core values of being 'open' and 'inclusive'
Meets some applicants expectations	Limited compatibility compatible with the Corporate Objective of seeking to encourage resident to take part in decision making

4.3 OPTION C

Invite Parish Councils to participate in wider publicity (in addition to options A or B above).

ADVANTAGES	DISADVANTAGES
Parish Councils free from legal challenges (the duty in law to notify falls to the Borough Council and these measures would be additional).	Consistency – need to agree a scheme that all Parish Councils are happy to administer.
Potential efficiency savings – 'sharing the burden'	Ability of Parish Councils to fulfil requirements of agreed scheme every time it is required
Devolution of responsibility to lower tier of local administration ('localism').	Moderate resource implications in terms of agreeing the approach with Parish Councils and developing paperwork
Not entirely new – some PC's have been known to take similar steps to gauge public opinion.	'Deficit' in areas where there is no Parish council, i.e Melton Mowbray.
	Bureaucracy associated with record keeping and exchange of information etc across two organisations.

4.4 **OPTION D**
Notify all properties within a fixed distance (can include different distances for different scales/types of development)

ADVANTAGES	DISADVANTAGES
Appears to address the criticisms received by widening notification	Significantly implications for resources
Clear and easy to understand	Compatible with our core values of being 'open' and 'inclusive'
	Prospect that some applications may still not attract wide publicity (e.g. if in isolated areas)
	Prospect of disproportionate notification for minor schemes

4.5 **OPTION E**
Notify 'everyone likely to be affected'

ADVANTAGES	DISADVANTAGES
Fully meets with the criticisms received	Serious resource implications
Compatible with the ethos of the planning system as operating in the wider public interest.	Fully compatible with our core values of being 'open' and 'inclusive'
	Impossible to identify everyone who will be affected

APPENDIX A: CONSULTATION ARRANGEMENTS FOR PLANNING APPLICATIONS (EDITED)
(approved by Council on 24th April 2013)

Type of application/activity	Stakeholder engaged	Proposed arrangements
Applications for planning permission, Listed Building Consent, Conservation Area Consent, Certificates of Lawful Use.	<ul style="list-style-type: none"> • Neighbours and the general public 	<ul style="list-style-type: none"> • <i>Letters to all adjoining properties*</i> (which contain a building capable of receiving post), inviting representations within 21 days • <i>Availability of all plans/documents submitted on the internet, with the consultation period clearly stated.</i> <p>AND/OR</p> <ul style="list-style-type: none"> • Site Notice - where adjoining land contains no buildings to address letters, allowing 21 days for response. Site Notice - for development likely to have a wider impact (“major development” as defined by GDPO Article 13)¹ allowing 21 days for response.
	<ul style="list-style-type: none"> • General Public and wider community 	<p>Press notice as required by legislation (allowing 21 days for response) prescribed as follows:</p> <ul style="list-style-type: none"> • all applications for Conservation Area Consent and Listed Building Consent, • planning applications which affect the character and appearance of a Conservation Area and / or the setting of a listed building • planning applications proposing development contrary to the provisions of the Development Plan • planning applications accompanied by a EIA <p>planning applications for “major development” (as defined by GDPO article 13)¹</p>

	<ul style="list-style-type: none"> Parish Councils/Meetings 	<ul style="list-style-type: none"> Full copies of the application and allowance of 21 days to respond to PC in whose area the application is located. Electronic Notification (including link to application documents) to all PC's bordering the PC in whose area the application is located for major applications and applications involving structures greater than 25m in height. ("major development" as defined by GDPO article 13)¹. Attendance at Parish Council meetings where requested to discuss complex applications
	<ul style="list-style-type: none"> Statutory consultees 	
	<ul style="list-style-type: none"> Applicants, agents, neighbours and the wider community 	<ul style="list-style-type: none"> <i>Guidance within/attached to routine correspondence associated with every application explaining the planning objectives, the planning application process and assistance in formulating representations.</i>
<p>Amendments to the above applications during the course of their consideration (where amendments significantly alter the nature of the proposal or attempt to address concerns raised)</p>	<ul style="list-style-type: none"> Neighbours and the general public 	<ul style="list-style-type: none"> Letters to all previously notified neighbours and other parties commenting on the application, allowing 14 days for response. Availability of all plans/documents submitted on the internet, with the consultation period clearly stated.
	<ul style="list-style-type: none"> Parish Councils 	<ul style="list-style-type: none"> Full copies of amended plans, allowing 14 days to comment Electronic Notification (including link to application documents) to all additional PC's who have commented on original application.
	<ul style="list-style-type: none"> Statutory consultees 	<ul style="list-style-type: none"> Full copies of the amended plans and allowance of 14 days to respond

¹GDPO article 13 definition: over 10 houses or 1000 sq. m. floorspace)