

WAKEFIELD METROPOLITAN DISTRICT COUNCIL
PUBLICITY FOR PLANNING APPLICATIONS

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1. INTRODUCTION

- 1.1 This document sets out how we will publicise planning and other related applications. It takes account of the specific requirements set out in the relevant planning legislation. It also takes account of the Statement of Community Involvement (SCI). The SCI gives a general account of how we will publicise and consult on planning applications.
- 1.2 Most of this document deals with publicity by three traditional methods - press notices, site notices and neighbour letters. However, a very important additional source of information is our Web-site. This provides a search facility which shows key information about every current application, provides facilities to view the associated documents and register comments on-line. It will also soon be possible for users to register to receive automatic email notifications of applications of interest.
- 1.3 According to research published by the Cabinet Office in 2007, less than two percent of people find out about planning applications in a local newspaper. In view of this, and the cost of press adverts, we have decided to use local newspapers only to publish details of the relatively small number of applications where there is a legal requirement to do so.
- 1.4 Generally, where we are required to publish details of an application in the local press, we are also required to put up a site notice. In other cases where we are required to publicise an application, we can generally choose whether to post a site notices or send out neighbour letters. We have decided to use neighbour letters to publicise householder applications and proposals for up to 3 houses. We consider that these applications impact mainly on the immediate neighbours. Generally, we can easily identify who these neighbours are and consult them directly.
- 1.5 Proposals for larger housing schemes, commercial or other proposals are likely to be of interest people from a wider area. Because of this, we consider that the most effective way of consulting the local community is to use site notices.
- 1.6 People sometimes ask why we do not consult people more widely by letter and site notice. The main reason is that we have limited funds and people available. We are also putting significant resources into making details of all applications available on our Web site. We therefore have to set limits on the number of site notices we post and letters we send.
- 1.7 This document does not explain how comments on planning applications are dealt with, and what sort of issues raised in comments can be taken into account when a decision is made. Advice on these matters is set out in the "Guidance Notes for Public Speakers", which can be found on our Web-site at:
<http://www.wakefield.gov.uk/Planning/PlanningApplications/PlanningAdvice/Committee/guidancenotes.htm>
- 1.8 The publicity arrangements set out in document will apply to applications received after 24 September 2009.

2. SUMMARY OF PUBLICITY ARRANGEMENTS

2.1 Our approach to publicity is summarised in the following table. The next sections of this document explain our approach in more detail.

Application Type/Criteria	Applicant's Responsibility	Web-Site Only	Press Notice	Site Notice	Neighbour Letter
1. Planning application (see note i) accompanied by an Environmental Statement			✓	✓	
2. Planning application involving a departure from Development Plan			✓	✓	
3. Planning application for development which affects a Public Right of Way			✓	✓	
4. Planning application for Major Development which in this context means (a) mineral working; (b) waste development; (c) 10 or more houses or housing development a site of 0.5 hectares or more where the number of houses is not known; (d) the provision of one or more buildings where the new floor space is 1,000 square metres or more; or (e) development on a site of 1 hectare or more			✓	✓	
5. Planning application for development affecting the setting of a Listed Building			✓	✓	
6. Planning application for development affecting the character or appearance of a Conservation Area			✓	✓	
7. Planning application for any other development (except householder applications and applications for up to 3 houses)				✓	
8. Householder planning application and planning application for up to 3 houses			(✓) - see note ii	(✓) - see note ii	✓
9. Application for Listed Building Consent or Conservation Area Consent (or to vary or remove a condition on such a consent)			✓	✓	
10. Telecom Prior Notification which is a departure from the Development Plan or affects a Public Right of Way or is on a site of 1 hectare or more			✓	✓	
11. Other Telecom Prior Notification				✓	
12. Display of advertisement		✓			
13. TPO Consent		✓			
14. Certificate of lawfulness for existing use/development		✓			
15. Certificate of lawfulness for proposed use/development		✓			
16. Notification of works to trees in conservation area		✓			
17. Agricultural notification	✓				
18. Demolition notification	✓				
19. Hazardous Substances Consent	✓				

Notes

- i. In this summary, "planning application" means: a full planning application (including a change of use), an outline planning application, an application for reserved matters approval, and an application for the removal or variation of condition
- ii. Press/site notice(s) will also be required if 2, 3, 5 or 6 is applicable. A site notice will also be required if a property address for any adjoining land cannot be identified.

3. PRESS NOTICES

- 3.1 We publicise certain applications in local newspapers. Currently, we use the Wakefield Express, and its associated local editions, and publish a list of applications relevant to that local edition every fortnight.
- 3.2 Applications will **only** be published in a local newspaper in the following cases. There will normally be a period of 21 days from the date of the notice for comments to be made.

Criteria	Legal Requirement
Planning application accompanied by an Environmental Statement	Art 8 GDPO 1995 (as amended)
Planning application which is a departure from Development Plan	Art 8 GDPO 1995 (as amended)
Planning application for development which affects a Public Right of Way	Art 8 GDPO 1995 (as amended)
Planning application for Major Development which in this context means (a) mineral working; (b) waste development; (c) 10 or more houses or housing development a site of 0.5 hectares or more where the number of houses is not known; (d) the provision of one or more buildings where the new floor space is 1,000 square metres or more; or (e) development on a site of 1 hectare or more	Art 1 and 8 GDPO 1995 (as amended)
Planning application for development affecting the setting of a Listed Building	S67 LB&CA Act 1990 (as amended)
Planning application for development affecting the character or appearance of a Conservation Area	S73 LB&CA Act 1990 (as amended)
Application for Listed Building Consent or Conservation Area Consent (or to vary or remove a condition on such a consent)	Regs 3/4/5 of LB&CA Regulations 1990
Telecom Prior Notification which is a departure from the Development Plan or affects a Public Right of Way or is on a site of 1 hectare or more	Pt 24, Sch 2 of GPDO 1995 (as amended)

- 3.3 Until a detailed assessment has been made by the case officer, it may not be possible to say with certainty whether, for example, a proposal is a departure from the development plan. In these cases, we will take a precautionary approach and assume that the application should be publicised, so as to minimise any delay which could otherwise arise by having to carry out further publicity at a later stage.
- 3.4 Similarly, we will generally publicise an application as affecting a public right of way if there is a right of way within or adjacent to the application site, even if there are no specific proposals in the application to close or divert the right of way.

4. SITE NOTICES

- 4.1 In the circumstances set out below, we will publicise applications by site notice. There will normally be a period of 21 days from the date of the notice for comments to be made.

Criteria	Legal Requirement
Planning application accompanied by an Environmental Statement	Art 8 GDPO 1995 (as amended)
Planning application which is a departure from Development Plan	Art 8 GDPO 1995 (as amended)
Planning application for development which affects a Public Right of Way	Art 8 GDPO 1995 (as amended)
Planning application for Major Development (see definition at 3.2)	Art 1 and 8 GDPO 1995 (as amended)
Planning application for any other development (except where neighbour letters are used. This Council uses neighbour letters for householder applications and applications for up to 3 houses – see Section 5)	Art 8, Part 5 of the GDPO 1995 (as amended)
Planning application for development affecting the setting of a Listed Building	S67 LB&CA Act 1990 (as amended)
Planning application for development affecting the character or appearance of a Conservation Area	S73 LB&CA Act 1990 (as amended)
Application for Listed Building Consent or Conservation Area Consent (or to vary or remove a condition on such a consent)	Regs 3/4/5 of LB&CA Regulations 1990
Telecom Notification	Pt 24, Sch 2 of GPDO 1995 (as amended)

- 4.2 The precautionary approach to publicity set out in paragraph 3.3 and 3.4 above will also apply to site notices.

- 4.3 We will use the follow guidelines to decide the number and location of site notices:-

- Site notices should be displayed as close to the application site as possible, and located so that they can be clearly seen and read by the public without them having to go on to private property.
- If a site has more than one road frontage, a site notice must be displayed on each frontage.
- If a property adjoining a site fronts a road other than the one fronting the application site, a site notice will normally also be displayed on the other road.
- If a site has a frontage of more than 50 metres, a second notice must be displayed.

- In cases where the frontage exceeds 100 metres, a minimum of three notices must be displayed. The site notices should be displayed to provide an even spread along such an extensive frontage. This assessment will be carried out on a case-by-case basis.
- Any departure from these guidelines should be agreed with the team leader and the reasons recorded in the officer's report.

4.4 We will carry out the following actions:

- Officers validating applications should clearly mark on the OS plan where notices are to be posted and confirm on the validation sheet than site notices are required, the number, and any specific headings (see 4.1).
- Site notices will be prepared by the Support Team ready for posting at the same time as consultations sent out.
- Site notices and a copy of the annotated OS plan will be passed either to case officer with the application file or to the site notice officer (subject to the volume of work and availability of staff to carry out this work, to be kept under review by the relevant team leaders).
- Where the case officer is responsible for posting the notices, a site visit must carried out no later than the date stated on the notice. If the case officer is on leave, the team must arrange to post any notices.
- Site notices should be posted on the nearest available lamppost, telegraph pole or signpost. Notices should not be posted on private property such as fences or walls, except with the permission of the landowner. If there is nowhere suitable to post a notice, the officer should report to the relevant team leader for further guidance.
- If, within 15 days of a site notice being posted, the Service is made aware that a site notice has either been removed or defaced, a fresh notice should be posted (the new site notice will have the same date as the original notice).
- A copy of the site notice, with an OS extract showing where each site notice has been posted, must be placed on the application file.
- Where the case officer was not responsible for posting site notices, they must check when carrying out their site visits that site notices are present in accordance with the above criteria. Any discrepancies should be reported to the team leader, and appropriate corrective action taken.
- Officers should remove any out of date site notices as and when they are in the locality.

5. NEIGHBOUR LETTERS

5.1 For **householder applications and developments of up to three houses**, neighbour letters will be used in preference to site notices. Neighbour letters will usually give people a period of 21 days within which to respond. However, in the following circumstances, site notice(s) will **also** be posted:

- Where there is a statutory requirement to post a site notice (see 4.1 above); or
- Where the occupier of any land neighbouring the application site is not obvious from the OS plan.

In these cases, site notices will be posted in accordance with the arrangements set out in Section 4.

5.2 We will identify which neighbours to notify using the following guidelines (adapted from the Annex to Circular 15/92):

- Every neighbouring property (residential or commercial) that abuts the application site should be notified.
- Where part of the curtilage of a neighbouring property is within 4m of any boundary of the application site, such as where properties are separated by a footpath, that property should also be notified.
- Where the application site fronts onto a road, neighbouring properties on the other side of the road that would otherwise abut the application site should be notified. This requirement will not apply in the case of roads, such as dual carriageways, which are more than 20m wide.
- Any departure from these guidelines should be agreed with the team leader and the reasons recorded in the officer's report.

5.3 We will carry out the following actions:

- Officers validating applications should clearly mark on the OS plan (Letter C for Consult) which neighbours require a letter and complete the appropriate part of the validation sheet.
- The Support Team should identify the correct addresses and send letters to neighbours at the same time as consultations are sent.
- When first receiving a file, the case officer should check that the correct addresses have been selected and bring any discrepancies to the attention of the Support Team straight away.
- When the case officer is on site, they should check whether any further properties should be notified (for example, it may be noticed that a property has been sub-divided, or that there is a recently completed property which is not marked on the OS plan).

6. LARGE-SCALE/CONTROVERSIAL PLANNING APPLICATIONS

- 6.1 Sections 3, 4 and 5 of this document set out our approach to publicising most applications. However, the adopted Statement of Community Involvement (SCI) recognises that some applications may justify more publicity.
- 6.2 In particular, Chart 3 of the SCI identifies a category of application referred to as "Large-Scale/Controversial". This category includes major applications which require an environmental impact assessment or which are otherwise likely to affect large numbers of people such as town centre redevelopment proposals or major infrastructure projects as well as other applications which raise particularly complex or controversial issues.
- 6.3 For these applications, in addition to the methods of publicity referred to in Sections 3, 4 and 5 of this document, Chart 3 of the SCI gives examples of other forms of community involvement that might be considered such as a public meeting or exhibition, a press release, a feature on our Web-site or leaflets/letters to local addresses.
- 6.4 Because of the unique nature of these applications, we will consider on a case by case basis how to carry out effective and appropriate publicity, over and above that set out in Sections 3, 4 and 5 of this document, taking account of budget, time and other constraints.

7. AMENDMENTS TO APPLICATIONS

7.1 Where we agree to consider an amendment to an application after it has been validated (including revised or additional supporting information) we have discretion whether or not to carry out further publicity. We will decide whether or not to carry out further publicity by considering the following questions (from Circular 15/92):

- were objections or reservations raised at an earlier stage substantial and, in the view of the local authority enough to justify further publicity?
- are the proposed changes significant?
- did earlier views cover the matters now under consideration?
- are the matters now under consideration likely to be of concern to parties not previously notified?

7.2 A relatively minor amendment to an application, especially one resulting from the applicant responding positively to representations, will not usually be given any further publicity. However, where there is a greater and/or different impact, new information about any impact, or where an amendment proposes an enlargement to the scheme, we will usually carry out further publicity.

7.3 Where further publicity is carried out, this will normally be in the form of site notices and/or neighbour letters, using the criteria set out in Sections 4 and 5. Further publicity will normally be limited to 14 days. The application will not normally be publicised in the press unless the amendment gives rise to a new legal requirement for publicity (see 3.2 above), in which case there would normally be a further 21 day period for comment from the date of the press notice.

7.4 We will take a precautionary approach to publicising amendments and if there is any doubt on a particular issue, further publicity will be carried out.

8. AMENDMENTS TO PERMISSIONS

- 8.1 In June 2009, the Government published a consultation paper on new procedures for making amendments to planning permissions. Two procedures are proposed.
- 8.2 The first procedure would enable an application to be made for a “non-material amendment” to a planning permission. This would use powers introduced by the Planning Act 2008, and could be used to apply for minimal changes to an approved scheme.
- 8.3 The second procedure would provide a way of dealing with “minor material amendments” to planning permissions. This would apply where the changes could make a minor difference to the effects of the approved scheme. It would make use of existing powers (under Section 73 of the Town and Country Planning Act) to vary conditions, and would rely on a decision notice having a condition listing approved plans. The intention is that the developer could apply to amend such a condition, to refer to amended drawing(s).
- 8.4 The consultation paper indicates that changes are likely to be introduced in October 2009. This document will be revised to include arrangements for publicising these new types of application once new arrangements have been introduced and any associated guidance has been published.

9. APPROVAL OF DETAILS REQUIRED BY CONDITION

- 9.1 Many planning permissions require the developer to obtain written approval for further details before they start work or before they bring the development into use. Commonly, this will involve agreeing details of external materials, but can also include such things as getting approval for new road junctions or drainage schemes.
- 9.2 Where a condition has been requested by a technical consultee, we will normally ask the consultee to comment on the details before we reply to the developer. However, we will not normally publicise the details we receive, although we will make details available on our web site, so local people can monitor any new information about an approved development.