

## Public Consultation on Planning Applications

### Report by the Director for the Economy

#### 1.0 Summary

- 1.1 This report sets out a proposed amendment to the current process for consulting the members of the public on planning applications.

#### 2.0 Background

2.1 Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. Although Local Planning Authorities have some discretion in the amount of public consultation they carry out in respect of planning applications, the minimum statutory requirements of such consultation are prescribed in Article 15 of the Development Management Procedure Order (DMPO) 2015. In addition, local authorities may set out more detail on how they will consult the community on planning applications in their Statement of Community Involvement

2.2 The DMPO sets out the statutory requirements for consultation on the following types of development:

- 1. Major development (eg 10 dwellings or more, 1000 square metres or more of floorspace is being created, or where the site area exceeds 1 hectare)
- 2. Applications subject to an Environmental Impact Assessment (EIA)
- 3. Applications which do not accord with the development plans for the area (often referred to as a 'departure application')
- 4. Applications which would affect the a right of way to which Part 3 of the Wildlife & Countryside Act 1981 applies
- 5. Applications for listed building consent where works to the exterior of the building are proposed
- 6. Applications to vary or discharge conditions attached to a listed building or Conservation Area Consent
- 7. Applications for planning permission not covered in the entries above

- 2.3 For categories 1-6 above, the statutory requirements are a site notice, newspaper advertisement and publication on the Council website. The Council of course meets these statutory requirements, but members will note that there is no statutory requirement to send out neighbour notification letters. However, the Council does send out neighbour notification letters to, as a minimum, adjoining occupiers (and in practice much more widely) on all such applications. There is no intention to change the current arrangements.
- 2.4 For category 7 above, which covers the majority of planning applications, the statutory consultation requirements are slightly less in that the Council only has to post a site notice or send out neighbour notification letters and publish details of the application on the Council website. There is no statutory requirement to advertise this category of application in the newspaper.
- 2.5 Currently, the Council exceeds the statutory requirements by advertising this category of application in the Herald. Neighbour notification letters are sent out on all of these applications again as a minimum to all adjoining neighbours but in practice often a greater number of neighbours. It is not uncommon also for a site notice to be displayed (even though there is no requirement to do so as neighbour notification letters have been sent out) to ensure wider publicity.
- 2.7 In addition, local authorities may set out more detail on how they will consult the community on planning applications in their Statement of Community Involvement (SCI). The joint SCI for Adur & Worthing was produced in 2012.

### **3.0 Proposals**

- 3.1 It is proposed that the Council no longer advertises planning applications that fall under category 7 above in the newspaper.
- 3.2 Whereas in the past, the advertisement requirements of the Council were dealt with corporately (and hence departmental requirements set accordingly) it is now the responsibility of individual departments. There was no alteration to the budget when this change of procedure occurred, but it appears that in the past when advertising was dealt with corporately the overall cost of advertising was reduced but now that individual departments have to negotiate their own rates, this cost has risen.
- 3.3 In 2015/2016, the budget for advertisement of planning applications in Worthing was just over £13,000 but the total expenditure was over £25,000 and therefore almost double the amount set aside. A similar situation occurred in Adur (budget £8,000, expenditure £14,000). As a whole, therefore, advertising exceeded the joint budget for Development Management by over £18,000.

- 3.4 The situation is highly unlikely to approve this financial year since at the end of Q1, almost half of Worthing's yearly budget had been spent on advertising.
- 3.5 On costs grounds alone, therefore, there would be a significant saving to the department. The full amount could not be saved as there would still be a necessity to advertise the applications for which there is a statutory requirement to advertise in the newspaper but these comprise a very small proportion of the applications received by the department. For example, of the 1876 applications submitted to Adur & Worthing as a joint planning service last year, only 29 were major applications and 25 were listed building consent applications requiring statutory publicity. In many weeks, there may not be a necessity to advertise at all. Given that the expenditure across the joint service on advertising was just under £40,000 last year it is almost certain that this could be reduced to below the current budget of £21,000 and in all likelihood by an even greater amount.
- 3.6 The Development Management section, like all others in the Council, faces continuing financial pressure in the coming years. Income generating opportunities, such as pre-application charging, is now being introduced but there remains a need to thoroughly scrutinise all unnecessary area of expenditure.
- 3.7 It is considered that on financial grounds alone, there is sufficient justification to cease advertising applications for which there is no statutory requirement to do so in the newspaper.
- 3.8 It is of course recognised, though, that planning is an important subject to our residents and notwithstanding financial pressures, it needs to be considered whether public participation in the planning process would be adversely affected by the proposed changes.
- 3.9 As mentioned in paragraph 2.7 above, the Council published its SCI in 2012. The SCI states, in respect of consultation on planning applications at Appendix 4:
- Local advertisements will be placed under 'Public Notices' in the Worthing Herald, Lancing Herald and Shoreham Herald weekly newspapers, listing those planning applications validated during the preceding week for which this type of publicity is statutorily required.*
- 3.10 The latter point (underlined for the purpose of this report) is of note as the Council did not commit in the SCI to advertise applications in the newspaper which do not require statutory advertisement. As such, therefore, since 2012 the Council has exceeded its consultative requirements set out in the SCI, and so there would be no conflict in policy or procedure terms were the proposal which is the subject of this report to be adopted.

- 3.11 Most importantly though, is that your officers feel that very few representations are generated as a result of the newspaper advertisement. It is a matter of fact that the majority of residents do not purchase the newspaper. As is common with a public notice in a newspaper, the advertisement is placed towards the back of the paper (at pages 84 and 86 in the last 2 editions of the Worthing Herald) and by necessity to maintain cost even at the level it is now, comprises a notice with a relatively small font size.
- 3.12 Standard neighbour notification letters remain the most effective way to alert neighbours to a development in their area (and it should be remembered that the Council is not even statutorily obliged to undertake this method of consultation) but the orange site notices that can easily spotted across the town are also effective in advising of development to a wider area. Such communication remains vital to those without access to on-line services
- 3.13 Notwithstanding the necessity to be mindful of those without access to on-line services though, it has to be appreciated that the Council website, where all applications are published, can contribute significantly to raising awareness of planning applications. For example, residents can register to receive e-mail alerts of all applications received in an area of their choosing via the website.
- 3.14 Officers are also mindful that wider social media opportunities can be used for certain applications and to that end a member of the Communications team is now attending Committee briefing meetings but there is also greater interaction between Development Management and the Communications team generally to ensure that wider publicity can be given to a particular proposal if necessary.
- 3.15 The weekly list, which is distributed to members, is also an important flag for applications of interest. The list is reviewed by the Planning Services Manager each week and the Chair of Committee advised of any particular applications which may be prove to be particularly controversial.

#### **4.0 Conclusion**

- 4.1 There is no statutory requirement to advertise applications in category 7 above in the newspaper and for the Council to continue doing so represents a significant cost to the taxpayer which could be avoided. The Council consults widely by neighbour notification letter on applications and displays site notices in excess of the statutory requirements for doing so. The Council website which, as members will be aware, was recently awarded the highest marks possible for the fourth consecutive year by SOCITM Better Connected, also increases participation in the planning process. Accordingly, it is concluded that there is no necessity to continue to advertise applications in the newspaper for which there is no requirement to do so.

#### **4.0 Legal**

- 4.1 Section 37 of the Local Government Act 2000 requires Councils prepare and keep up to date a Constitution which contains a copy of its Procedure Rules and such other information as the Councils consider appropriate

#### **5.0 Financial implications**

- 5.1 The proposal is highly likely to eradicate the budget overspend in excess of £18,000 in the last financial year across the joint service and indeed should lead to the budget for advertising to be reduced from its current level of £21,000

#### **6.0 Recommendation**

- 6.1 It is recommended that the changes set out above be approved by the Committee

#### **Local Government Act 1972**

**Background Papers:** None

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## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 None directly relevant

### **2.0 Specific Action Plans**

2.1 None directly relevant

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified

### **6.0 Human Rights Issues**

6.1 Article 1 and Article 8 of the European Convention on Human Rights require balanced judgements to be made in the decision making process. Although a decrease in the amount of advertising of planning applications could affect this, it is considered that the other arrangements the Council has in hand for publicising planning applications, which still exceed statutory requirements, are sufficient to ensure that the Human Rights requirements can be met.

### **7.0 Reputation**

7.1 None

### **8.0 Consultations**

8.1 None formally undertaken

### **9.0 Risk Assessment**

9.1 Matter considered and no issues identified

### **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified

**12.0 Partnership Working**

12.1 Matter considered and no issues identified