

REVIEW OF THE ‘CODE OF PRACTICE FOR PUBLICITY FOR PLANNING APPLICATIONS’

Report of the Director of Environment

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1. Purpose of Report

To review the adopted Code of Practice for Publicity in relation to all planning applications for which Hertfordshire County Council is the determining authority.

2. Summary

2.1 The County Council is the planning authority for mineral and waste applications within the County and also determines the Council’s applications for development for its own use. As well as carrying out formal consultations with various organisations and agencies, the County Council is required to give publicity to all planning applications. The purpose of the publicity is to notify the public about planning applications and to inform them of their opportunity to make representations.

2.2 Following a review of practice in relation to publicity for planning applications which the County Council determines, the Environment Committee adopted the current Code of Practice in October 1995.

2.3 The Code of Practice forms part of the County Council’s Development Control Procedures. The Code has now been implemented for six years and it is therefore appropriate to review it in the light of this operational experience, new County Council policies such as “Putting People First” and emerging context such as electronic government.

3. Conclusion

The report concludes that the Development Control Committee should adopt a revised Code of Practice for Publicity for Planning Applications as set out in Appendix 1 which incorporates the following amendments:

- i) clarification as to where the site notices are to be erected;
- ii) inclusion with letter of notification to Parish Councils and Community forums the leaflet explaining how to make views known to the Development Control Committee, reflecting the right to make presentations to the Development Control Committee;

- iii) inclusion with the letter of notification to neighbouring properties explaining how to make their views known on the planning application and how to make views known to the Development Control Committee (the letter and leaflet will also include details of how to obtain the information in other languages or formats if required, once Departmental policy has been confirmed);
- iv) increase the consultation criteria for neighbour notifications to those properties which abut and are within 100 metres of the proposed development (to link with the current consultation criteria for HGV routing;
- v) clarification of extended consultation where heavy plant etc is involved to include major engineering proposals (e.g. a town by-pass);
- vi) inclusion with the acknowledgement of representation letters a copy of how to make views known to the Development Control Committee if one has not already been supplied;
- vii) letters of representation will be copied to the District/Borough Councils when specifically requested;
- viii) an amendment to indicate publicity in relation to the determination of applications will be via the minutes of the Development Control Committee which will be published on the County Council's web site rather than through press releases, as it cannot be guaranteed that these will be published;
- ix) inclusion within the Code of when those who made representation will be re-consulted in the event of an appeal, a resubmission or a withdrawal;
- x) inclusion of how long address datafiles will be kept on the computer system for good practice in terms of data collection and the Data Protection Act.

The report also concludes that the Committee should review the Code in twelve month's time to consider (but not be limited to):

- sending consultations via e-mail;
- receiving representations via e-mail;
- document management;
- access for the public to view planning applications via HertsDirect.

1. Background

- 1.1 The County Council is the planning authority for mineral and waste applications within the County and also determines the Council's applications for development for its own use. As well as carrying out formal consultations with various organisations and agencies, the County Council is required to give publicity to all planning applications. The purpose of the publicity is to notify the public about planning applications and to inform them of their opportunity to make representations.
- 1.2 Government Regulations specify the minimum level of publicity required for different types of application. It is then the decision of each planning authority whether to publicise more widely than the minimum required by the regulations. There is provision within the Regulations for three forms of publicity:-
 - the insertion of a notice or notices in the local press;
 - the erection of a notice or notices on the site of the proposed development;
 - letters sent direct to individual properties (neighbour notification).
- 1.3 Following a review of practice in relation to publicity for planning applications which the County Council determines, the Environment Committee adopted the current Code of Practice in October 1995. The Code of Practice that was adopted has not been reviewed since that date.
- 1.4 The Code has now been implemented for six years and it is considered appropriate to review it in the light of this operational experience, new County Council Policies such as "Putting People First" and emerging context such as electronic government.
- 1.5 The County Development Unit, as part of the Strategy Group of the Environment Department, was awarded ISO14001 standard for its Environmental Management System (EMS) last year. As part of the EMS the Unit has documented set procedures and codes which are adhered to which comply with relevant legislation and County Council policy. The Code of Practice forms part of the Development Control Procedures that are identified as being part of this process. A formal review of the Procedures Manual takes place every six months and this has identified the need for the Code of Practice to be updated to reflect changes since the introduction of the Code.
- 1.6 The areas where it is considered appropriate to update the current Code of Practice are:
 - clarification as to where the site notices are to be erected;
 - inclusion with letter of notification to Parish Councils and Community forums the leaflet explaining how to make views known to the Development Control Committee, reflecting the right to make presentations to the Development Control Committee;
 - inclusion with the letter of notification to neighbouring properties the leaflet explaining how to make their views known on the planning

application and how to make views known to the Development Control Committee (the letter and leaflet will also include details of how to obtain the information in other languages or formats if required, once Departmental advice is available);

- increase the consultation criteria for neighbour notifications to those properties which abut and are within 100 metres of the proposed development (to link with the current consultation criteria for HGV routing);
- clarification of extended consultation where heavy plant etc is involved to include major engineering proposals (e.g. a town by-pass);
- inclusion with the acknowledgement of representation letters a copy of how to make views known to the Development Control Committee if one has not already been supplied;
- letters of representation will be copied to the District/Borough Councils when specifically requested;
- an amendment to indicate publicity in relation to the determination of applications will be via the minutes of the Development Control Committee which will be published on the County Council's web site rather than through press releases, as it cannot be guaranteed that these will be published;
- inclusion within the Code of when those who made representation will be re-consulted in the event of an appeal, a resubmission or a withdrawal;
- inclusion of how long address datafiles will be kept on the computer system for good practice in terms of data collection and the Data Protection Act.

1.7 The suggested changes have been incorporated in Appendix 1 attached to this report.

1.8 The County Council's commitment to service delivery via the internet and electronic government, including the ability to provide more of its services in an electronic format, will have implications for publicising planning applications. In the longer term it may be possible to make planning applications available via the Internet, at which time it would be appropriate to monitor and review any implications for the Code of Practice to assess whether further alterations are required to reflect the changes that may have taken place.

2. Conclusions

2.1 In light of the experience of operating the Code over the last six years it is concluded that the Development Control Committee should adopt the revised Code of Practice for Publicity as set out in Appendix 1.

2.2 The report also concludes that it would be appropriate to review the Code in one year's time to consider (but not be limited to):

- sending consultations via e-mail;
- receiving representations via e-mail;
- document management;
- access for the public to planning applications via hertsdirect.

3. Financial implications

3.1 There are no significant financial implications arising from this report. Expenditure in relation to publicity for planning applications can be met from within existing budgets.

Background information used by the author in compiling this report

Code of Practice of Publicity in Relation to all Planning Applications for which Hertfordshire County Council is the Determining Authority – HCC October 1995

CODE OF PRACTICE
FOR
PUBLICITY IN
RELATION
TO ALL PLANNING
APPLICATIONS

FOR WHICH
HERTFORDSHIRE COUNTY
COUNCIL
IS THE DETERMINING
AUTHORITY



Hertfordshire
COUNTY COUNCIL

Environment
November 2001

**CODE OF PRACTICE FOR PUBLICITY
IN RELATION TO ALL PLANNING APPLICATIONS
FOR WHICH HERTFORDSHIRE COUNTY COUNCIL IS THE
DETERMINING AUTHORITY**

1. A notice in the local press (paid for edition wherever one exists) will be published in accordance with the statutory requirements set out in the Town and Country Planning (General Development Procedure) Order 1995 i.e. any application which:
 - involves a departure from the land use provisions of the Development Plan and/or
 - is accompanied by an environmental statement and/or
 - affects the setting of a listed building, or the character or appearance of a conservation area and/or
 - involves mineral working, waste development or some other major development involving the creation of 1,000 square metres or more of floorspace or a site of one hectare or more in size and/or
 - affects a public right of way.

2. A site notice or notices will be erected for all applications. The notices will be erected:
 - the site entrance or entrances;
 - other points around the site boundary adjacent to a public road or other area to which the public has access, including the point where any footpath or bridleway crosses the site.

3. The local Parish or Town Council and any appropriate community forums for the area within which a planning application is made (where they are known to the County Council's County Development Unit) will be notified of all applications. A leaflet will be sent with the notification letter explaining how, and giving the opportunity, to make their views known at the Development Control Committee.

4. Neighbour notification letters will be sent to the owners/occupiers of all properties whose boundary (excluding any intervening road or other open area less than twenty metres wide) both abuts the application site and is within one hundred metres of the proposed building or other development involved (as far as these addresses can be reasonably identified i.e. in terms of non residential development and open land it is not always possible to identify a postal address for the property/land). A leaflet will be enclosed with these letters explaining how people can make their views known and giving them the opportunity to speak at the Development Control Committee; it will also explain that if someone wants to be notified individually of a decision on an application, they need to request this and send a stamped addressed envelope for this purpose.

In the case of minerals and waste development and major engineering proposals (e.g. a town by-pass) neighbour notification will be extended as follows:

- (a) proposals involving the use of heavy plant or machinery or which may include emissions to air - to include the owners/occupiers of all properties within one hundred metres of the proposed development i.e. not just those which abut the application site boundary;
- (b) proposals involving the generation of heavy goods vehicle movements - to the owners/occupiers of all properties along the submitted HGV route which are
 - either within 100 metres of the site access, where this is off a main road (distributor or higher category road) or urban local distributor or access road;
 - or within 750 metres of the site access and the main road network (whichever is the shorter), where this is off a rural local distributor or access road.

Notes

- A Any subsequent significant amendment to a submitted application will be subject to the same publicity as the original application. Anyone not previously notified but who has made representations will also be informed. (Significant means: in the case of buildings any material change in its external appearance, otherwise any intensification of use or change in hours of operation)
- B All publicity will set out clearly the nature and location of the proposed development, where copies of all the application documents may be inspected (normally at County Hall and the relevant District Council offices) and the time (normally twenty-one days) and date by which any written representations should be made to the Head of the County Development Unit. It will also refer to any representations received being treated as a matter of public record, and so be available for public inspection and copying.
- C Neighbour notification letters will also include the name and telephone number of the person dealing with the application as well as a description of the proposed development and its location. The letters will make it clear that only matters relating to land use considerations may be taken into account in the determination of any planning application.
- D All letters of representation will be acknowledged and their writers informed of the future process for dealing with the application, including, if relevant and known at the time, the date of the relevant Committee when it is anticipated that the application will be considered. A copy of the leaflet explaining how people can make their views known and about speaking at the Committee will be enclosed with the acknowledgement letters for people who will not have received this information as part of the original neighbour notification procedures under paragraph 4.

- E If requested, during the period within which written representations may be made, the relevant District Council will be kept informed of the issues raised in any representations to assist in its own response to the proposed development.
- F Publicity in relation to the determination of applications will be by means of publishing the minutes of the Development Control Committee at which the application was considered on the County Council's web site hertsdirect.org.uk. Members of the public will not be notified individually of the decision on an application unless they have previously requested it and sent in a stamped addressed envelope for this purpose.
- G In the event of an appeal, all those who made representation on the application and all those who were originally consulted will be notified of the appeal details in the format required by the Planning Inspectorate.
- H In the event that an application is refused/withdrawn and re-submitted within one year of the original application, all those who were originally consulted and those who made representation will be re-consulted.
- I In the case of applications being submitted on the same site more than a year after the submission of a previous application, only those identified in 4 above will be consulted (i.e. not the additional representations received).
- J A datafile will be collated of those who make representations for the purposes of G and H above. This datafile will only be kept for a maximum period of one year (i.e. for period within which an appeal can be lodged [6 months] or for re-submission of an application further to the original application being withdrawn one year)). After these dates the data file will be deleted.