

Report To: Communities Scrutiny Committee

Date of Meeting: 25th October 2012

Lead Member / Officer: Cll David Smith/Paul Mead

Report Author: Paul Mead

Title: Bringing Planning Closer to the Community

1. What is the report about?

This report will explain how the Council, as Local Planning Authority, carries out its statutory development control and compliance function. It will focus on the statutory responsibilities the Council has to consult with interested parties on planning applications and will make suggestions for how this consultation and engagement process can be improved with the aim to bring planning closer to the community.

2. What is the reason for making this report?

The report is to provide Members with information on the way the Development Control and Compliance team consult and engage with the community on planning proposals and to hear suggestions from the Committee on any improvements required.

3. What are the Recommendations?

That Members note the contents of the report and comment on the proposed arrangements for developing closer links between the local community and the work of the Development Control and Planning Compliance department.

4. Report details.

Statutory Publicity Requirements for Planning Applications

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 sets out the statutory requirements on a Local Planning Authority (LPA) to let people know about planning applications. Part 12 of the aforementioned Order sets out the publicity requirements. Attached is **Appendix 1**, the relevant extract from this Order.

In brief, the LPA is required to publicise certain planning applications and can do so by placing a notice on the site, in a local paper or by sending letters directly to an adjoining owner or occupier. Requirements vary for different types of planning application and the Order also sets out how a LPA should use its website for alerting people to a planning application.

The legislation requires the LPA to send letters to **adjoining owners or occupiers** to any proposed development site. As such, legally the LPA is only required to send a letter to the owner or occupier of land which adjoins the site. Neighbours who live beyond that (e.g. on the opposite side of a road) are not, necessarily entitled to a formal consultation letter.

Site and press notices are normally used for major development proposals or for proposals which may be contrary to Policies in the adopted Plan. The notices should be displayed for at least 21 days.

Letters of consultation to adjoining owners or occupiers, Town and Community Council's or other statutory consultees normally allow **14 days** from the date of the letter for representations to be made.

Statutory consultees on planning applications can include amongst others Town or Community Councils, the local Highways Authority and the Environment Agency.

Denbighshire's Current Consultation and Communication

Having regard to the aforementioned statutory position, the LPA has tended to take a more flexible approach. For example, we will tend to extend letters of consultation on planning applications (where reasonable) beyond the adjoining owner or occupier e.g. we will consult the neighbour on the opposite side of the road if they are affected by a proposed development. We also tend to allow **21 days** and not 14 days for representations to be made on planning applications by residents and Town/Community Councils.

On major applications we will put out press releases (where needed) and ensure site notices are placed around the development site. In relation to our liaison with Town and Community Councils we have operated a Protocol document for over 3 years. This is attached as **Appendix 2**. We value the role of Town and Community Council's in the planning process and Officers will liaise with them during the course of a planning application. We will visit their Planning meetings and offer training on planning matters to them throughout the year.

This has resulted in figures showing that over 90% of eventual planning application decisions correspond to the original recommendations of Town or Community Councils.

There are costs associated with consulting on planning applications. These include the adverts which must be placed in the press, the production and posting of site notices and the posting of letters to those persons who may be affected by a proposal. A summary of these costs for the last two years will be presented at the Committee meeting.

Clearly, the more notices and letters we send out to the community the greater the potential costs are on the service. These potential increased costs and how they are managed can be discussed at the Committee meeting.

Proposed Future Communication and Consultation Service Standards

The Development Control and Compliance team now want to further develop their communication and consultation service with the community on planning proposals. With this in mind we have produced a draft information guide which sets out the proposed service standards for the team. This is attached as **Appendix 3**. The guide will be presented for information to Planning Committee before a Lead Member delegated decision is sought to introduce the guide.

5. How does the decision contribute to the Corporate Priorities?

Consultation on planning applications is set out in statute. However, the development of standards as set out in this document and the attachments will contribute towards bringing the Council closer to its community.

6. What will it cost and how will it affect other services?

There may be minor additional costs in extending consultations and communication through Officer time and postage of more letters. However, it is not envisaged that this will be significant and will be covered within existing budgets.

7. What consultations have been carried out?

None.

8. What risks are there and is there anything we can do to reduce them?

None.

9. Power to make the Decision

The power to make decisions on planning applications falls under the provisions of the Town and Country Planning Act 1990.