

Oadby and Wigston Borough Council

Development Control Section

Practice Note

on

Publicity and Consultation

**This Practice Note gives details of the Council's
adopted publicity procedures for planning
applications**

A Companion document to the Statement of Community Involvement

Adopted 14 May 2009

Version 2.3 – amendments relate to the inclusion of Non-material amendment applications on the weekly list of applications.

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Version 2.3 Revision Date 23 may 2011

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Introduction

Planning serves the public interest and decisions made by the Council affect everyone. For the Development Control Service to work effectively, people must be encouraged and enabled to participate in the planning process.

Oadby and Wigston Borough Council is committed to encouraging public participation in the process of determining planning applications. In order for this process to be effective, it is important that the public are aware of applications in their area and that they are able to have their say to influence the decision reached by the Local Planning Authority.

The Government places a number of statutory minimum requirements upon the Council for publicity. It is the Council's policy to provide a service which exceeds statutory requirements, and the provisions for notification and consultations which the Council has adopted is set out below.

The Development Control Section seeks to be consultative, open and transparent in dealing with planning applications and the aim of this Practice Note is to both publicise our approach and to ensure consistency of action.

Planning applications and plans are available for inspection at the Council Offices. In addition to the above, applications in Oadby are also available to view at Oadby Library, Wigston applications are available to view at Wigston Library, and South Wigston applications are available to view at both South Wigston and Wigston Libraries.

Statutory publicity for applications

Through the Town and Country Planning (Development Management Procedure) Order 2010, Local Planning Authority's have a duty to publicise certain applications.

The following types of application are required to be advertised in a local newspaper and a site notice displayed:-

- Applications accompanied by an Environmental Impact Statement.
- Applications which are Departures from the Development Plan.
- Applications which affect a public right of way.
- Applications affecting the setting, character or appearance of a Listed Building.
- Applications affecting the setting, character or appearance of a Conservation Area.

The following types of application are required to be advertised in a local newspaper, and either a site notice displayed or neighbours notified:-

- Applications which are defined as a 'Major Development'

Major developments are defined as being:-

- the erection of 10 or more houses (or 10 or more gypsy pitches) or where the site exceeds 0.5 hectares;
- the erection of buildings where 1,000 square metres of floor space is created,
- or where the application site exceeds 1.0 hectares.

All other planning applications are required to be publicised by means of either a site notice or neighbour notification.

Statutory Consultation

Certain statutory consultees such as the Environment Agency, Highway Authority (Leicestershire County Council), Natural England will be consulted directly on certain applications where they may have an interest. Such consultations before the planning application is determined are set out in Articles 16-18 of the Town and Country Planning (Development Management Procedure) Order 2010.

Non-Statutory Consultation

Oadby and Wigston Borough Council will consult non-statutory consultees such as local Civic Societies, Leicestershire Constabulary etc. where their expertise would clearly be helpful in judging the merits of a particular planning application.

Agreed publicity procedures of Oadby and Wigston Borough Council

Newspaper Advertisements

The Borough Council will fully comply with the statutory minimum requirement to publish newspaper advertisements as set out above.

Newspaper advertisement will generally be published in the Oadby and Wigston Mail, but on occasions they may be published in the Leicester Mercury.

Site Notices:-

All planning applications will be publicised by means of a site notice to be posted in a position where it will be clearly visible and legible to passers-by without the need for them to enter the site. It is not the responsibility of the Local Planning Authority to safeguard the site notice or to replace damaged or lost notices.

Site notices for applications that are accompanied by an Environmental Impact Statement, Departures from the Local Plan, those that affect a Public Right of Way or affect the setting, character or appearance of a Listed Building or Conservation Area will be laminated and printed on coloured paper to give them added durability and visibility.

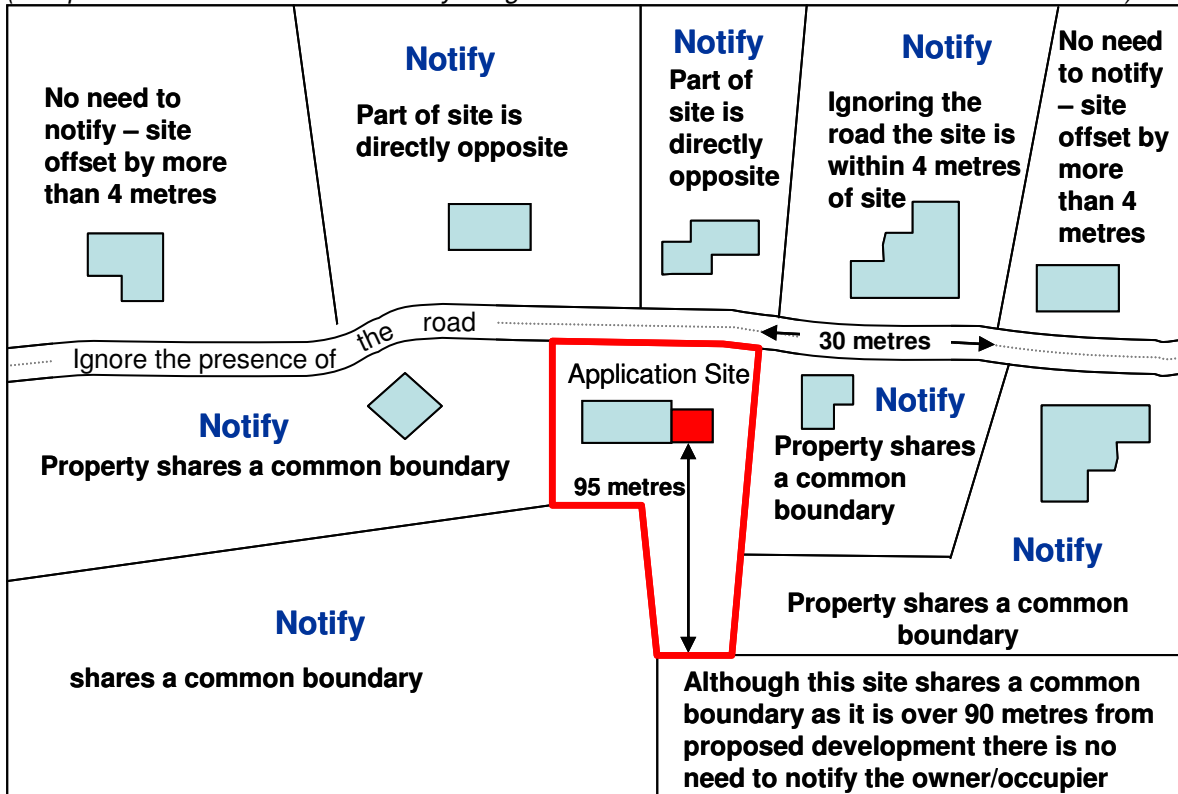
Neighbour Notifications

As a minimum, the Council will undertake the following will be notifications of all types of applications (with the exception of non-material amendment applications) :-

- Occupiers of all buildings whose curtilage shares a common boundary with the application site providing that the curtilage is within 90 metres of the development proposed;
- Occupiers of all buildings on land that is within 4 metres of the application site and is within 90 metres of the development proposed (for this purpose the presence of a road is discounted unless the road, including any verge/pavement, is greater than 20 metres in width)
- Any other persons that the Planning Officer considers should be notified, with particular regard being given to occupiers of properties on the opposite side of the road to the proposed development where the distance is less than 20 metres wide (but over 4 metres from the application site).. We will not notify additional neighbours where it is clear to the case officer that the proposed development cannot have an effect which might reasonably give rise to valid representations on planning grounds.

This level of notification is illustrated below.

(The presence of the road should only be ignored if the width of the road is less than 20 metres)



With the exception of proposals which relate to a prior notification (see below) or an application to which part III of the Wildlife and Countryside Act applies (in which case 28 days is allowed) 21 days is given for responding to a press notice, a site notice or a neighbour consultation letter.

In most cases, the dates may differ and 21 days shall be taken from the latest date appearing on an advertisement, a notice or letter. Applications will not be determined before the expiration of that period.

Weekly list

A weekly list of all valid applications and notifications received is produced by the Borough Council and despatched free of charge to various organisations. The list also appears on the Council's web site (www.oadby-wigston.gov.uk). Individuals may also obtain copies of the weekly list from the Council's Development Control section upon payment of an appropriate fee.

Ward members

Ward Members (elected Councillors) will receive a copy of the weekly list so that they may be kept informed of proposals within their areas.

County Council matters

On certain types of application the Leicestershire County Council is the Local Planning Authority. On these applications Oadby and Wigston Borough Council is a statutory consultee.

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Applications where the County Council is the Local Planning Authority include matters such as waste and mineral applications, certain school developments, and Tree Preservation Order applications where the Order was made by the County Council.

On these applications the County Council is responsible for all consultations and there is no requirement for the Borough Council to undertake any additional consultations.

Advertisement applications

These will be treated in the same way as a planning application, i.e. site notices in all cases, newspaper advertisement and neighbour notification where required.

Prior notification proposals

Certain types of development/works such as some agricultural buildings, demolition of buildings, hedgerow removal, tree works in a conservation area and telecommunications development require notifications to the Local Planning Authority. Some of these works relate to matters which are 'permitted development' (but require a notification or have the prior approval of the Local Planning Authority). In all cases the Local Planning Authority must be notified before any works can commence.

The Council has limited timescales to respond to such notifications (as in some cases if no response is made then the works can go ahead). The timescales which the Borough Council has to respond to the Applicant is as follows:-

Prior Notifications of agricultural or forestry development	28 days
Prior Notifications for the demolition of buildings	28 days
Prior Notifications of hedgerow removal	42 days
Prior Notifications to erect telecommunications equipment	56 days
Works to trees in Conservation Areas	42 days

In relation to Prior Notifications of agricultural or forestry development, telecommunications equipment or demolition of buildings the Council cannot control the principle of the proposal and must have good reason if it wants to refuse or seek an amendments to the particular siting or appearance of the building or demolition works. Because of the tight time-scale and restricted grounds for comment the Council is generally unable to undertake the same publicity as set out above.

The Council will, in the case of most of these types of development, notify neighbours as set out above allowing 14 days for a response.

However, due to the wider interest generated by the prior notification of telecommunications equipment, neighbours will be notified allowing 21 days for a response, and a site notice placed.

Certificates of Lawful Development

These applications are usually determined under the Council's delegated procedures in consultation with the Council's Head of Legal and Licensing and decisions are based solely on matters of fact. Consultations will only be carried out if the case officer considers that they may be able to assist on establishing the facts of the case.

Works to trees covered by a Tree Preservation Order

Any application for consent to carry out work to, or felling of, a tree covered by a Tree Preservation Order will be publicised in the same manner as a planning application. Whilst not required to publicise such applications, the Council will undertake to carry out the same publicity, consultation and notification procedures as applies to Planning Applications (with the exception of a press notice).

Amended plans

Where amended plans are received on a current application (i.e. before an application has been determined) those individuals or bodies who have expressed an opinion may be notified of the revisions and given a further limited period (which may be 7, 10 or 14 days) to assess and comment upon the amendments. Such re-notifications will largely depend on the nature of the amendments and will be assessed on an individual case by case basis.

Where a substantially different scheme is submitted with significant changes to the original application, full re-notification will take place duplicating the original consultation arrangements and taking account of all other correspondence received on the application. Alternatively the application may be withdrawn and submitted afresh.

Summary

The following table summarises the minimum notifications which Oadby and Wigston Borough Council will undertake.

Proposal Type	Press Advert	Site Notice	Neighbour Letter	Weekly List
EIA development	Yes	Yes	Yes	Yes
Departure from Development Plan	Yes	Yes	Yes	Yes
Affects Public Right of Way	Yes	Yes	Yes	Yes
Affects Listed Building	Yes	Yes	Yes	Yes
Affects Conservation Area	Yes	Yes	Yes	Yes
Major Development	Yes	Yes	Yes	Yes
Advertisement Consent	No	Yes	Yes	Yes
Telecommunications Development	No	Yes	Yes	Yes
Agricultural Notifications	No	No	Yes (14 days)	Yes (14 days)
Demolition Notifications	No	No	Yes (14 days)	Yes (14 days)
Hedgerow Removal Notifications	No	No	Yes (14 days)	Yes (14 days)
Notification of Tree Works in a Conservation Area	No	Yes (14 days)	Yes (14 days)	Yes (14 days)
Works to TPO'd trees	No	Yes	Yes	Yes
Certificate of Lawful Development	No	No	Yes	Yes
Non Material Amendments	No	No	No	Yes (14 days)
All other applications	No	Yes	Yes	Yes
County Council Matters	No	No	No	Yes

On Certificate of Lawful development applications; Agricultural, Demolition, and Hedgerow Removal Notifications, if there are no neighbour notifications using the procedures above a site notice will be placed allowing a period for comment of 14 days.

For applications to which Part III of the Wildlife and Countryside Act applies the notification period is extended to 28 days.

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