

# **Publicity for Planning Applications**

## Our code of practice

### **Development Control**

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Building the future together

# Publicity for Planning Applications

## Our Code of Practice

### Purpose

The purpose of publicity is to provide the public with prior notification of development which may affect them so that their views can be taken into account by the decision makers.

This Code of Practice explains the publicity which the council will give to applications for:

- planning permission;
- approval of reserved matters following the grant of outline permission;
- listed building consent and conservation area consent;
- the display of advertisements;
- certificates of lawful development;
- hazardous substances consent;
- telecommunications and other development permitted by Development Order;
- consultations by Government Departments and the Crown;
- applications to modify or discharge Section 106 agreements.

The Code of Practice will apply the statutory requirements for publicity as set out in Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 to applications included in the above list. Where appropriate, additional publicity as described in this Code of Practice will be arranged.

### Definitions

Major developments are those for:

- 10 or more dwellings, or where the number of dwellings is unknown, sites of 0.5 hectares or more (about 1.2 acres);
- the creation of 1,000 square metres or more floorspace or the site exceeds 1 hectare (about 2.4 acres);
- mineral working or use of land for mineral working deposits;
- all waste related developments, including waste treatment, storage and transfer as well as tipping.

'Minor' developments are those falling below the thresholds for major developments.

**Statutory requirements for publicity measures** These are summarised below:

<b>Nature of development</b>	<b>Publicity required</b>
Development where application: <ul style="list-style-type: none"> <li>• is accompanied by environmental statement.</li> <li>• is a Departure from Development Plan</li> <li>• Affects a public right of way.</li> </ul>	Advertisement in newspaper and site notice.
Major development - see definition previous page.	Advertisement in newspaper and either site notice or neighbour notification.
Minor development.	Site notice or neighbour notification.
Development affecting the setting of a listed building.	Advertisement in newspaper and site notice.
Development affecting the character or appearance of a conservation area.	Advertisement in newspaper and site notice.
Application for listed building consent and conservation area consent.	Advertisement in newspaper and site notice.
Permitted development requiring prior notification to planning authority.	Site notice posted by local developer.

The council will give publicity to applications by means of:

- neighbour notification or
- site notices or
- press notices or
- a combination of these three measures.

The following sections explain how these measures will be used.

### **Neighbour notification**

Where neighbour notification is required, the council will notify adjoining property owners and occupiers about planning applications as soon as possible after receipt of applications.

- adjoining owners and occupiers are those whose properties have a common boundary with the application site. Examples are shown on the plan below;
- properties located diagonally at the corner boundaries are considered to be adjoining;
- properties separated by a road, track, public footpath or back alley from the application site are not considered to be adjoining;

- the council will use only the submitted application documents, ordnance survey sheets and information gained by a site visit to identify adjoining owners and occupiers. No other sources will be researched.



**Plan showing examples of application sites with adjoining owners and occupiers**

— Site boundary      • Adjoining owners and occupiers

Publicity material will advise that:

- planning applications may be inspected at the Planning and Regeneration Department and also at the appropriate local library which will be identified; and
- information on recent planning applications is also available on our web site at:

**<http://kinnear.wiganmbc.gov.uk/planapps/>**

We will explain:

- the purpose of notification
- how to obtain more information
- how comments will be considered
- what decisions can be made and the procedures which apply
- who decides applications
- how respondents will be informed of decisions
- the applicant's right of appeal.

### **Site and press notices**

Where site and press notices are required, the council will arrange for a site notice or notices to be displayed. And a press notice to appear in an appropriate local newspaper circulating in the area where the application site is located. This will take place following receipt of applications for developments which are:

- contrary to the development plan known as 'Departure applications';
- accompanied by an environmental impact assessment;
- likely to affect a public right of way, for example, by closure, diversion or change in character;
- for major developments, as defined previously;
- for development affecting the setting of a listed building;
- for development affecting the character or appearance of a conservation area;
- applications for listed building consent and conservation area consent.

### **Developments likely to create wider concern**

In addition to statutory requirements the council will consider on a case by case basis the most appropriate method of giving additional publicity to applications which are likely to create wider concern. This will be achieved by means of site notices, press notices or both and additional individual neighbour notifications. The following list indicates the likely types of development where special consideration would be given:

- proposals with the potential to change the character of an area, for example particularly tall buildings;
- those affecting nearby property by causing noise, smell, vibration, dust or other nuisance;
- proposals on a significant scale attracting traffic, noise and disturbance into a generally quiet area;
- those causing activity and noise during unsocial hours;
- those resulting in serious reduction or loss of light, overshadowing or privacy beyond adjacent properties;
- those affecting the setting of an ancient monument or archaeological site;
- proposals affecting trees subject to tree preservation orders.

### **Discretionary site notices**

In each case the council will aim to select the most appropriate form of publicity to provide the public with prior notification of development which may affect them. Site notices are sometimes more effective and are a better way of publicising applications than neighbour notification.

The council will consider using site notices either instead of or as well as neighbour notification when:

- there are few immediate neighbours to the site;
- the ownership of adjoining land is uncertain;
- the adjoining land or premises are vacant or
- small scale developments are proposed in large commercial and industrial complexes with large numbers of dwellings on the boundary and the cost of neighbour notification would be disproportionate to the scale of the development; or
- other local circumstances indicate that site notices would be more effective.

## Notices posted by the developer

Some developments permitted by General Permitted Development Order are subject to conditions requiring the developer to publicise the proposal by means of a site notice prior to submission, for example, agricultural development. The council will carry out further publicity on these applications but with reduced timescales for responses where regulations limit the time to deal with them.

## Owners or tenants of an agricultural holding

Service of notice on owners and agricultural tenants is the responsibility of the applicant. The council will check the documents as part of the vetting process to ensure the appropriate procedures have been followed.

## Time periods for publicity

The council will ensure that no decision is taken on any application subject to this Code of Practice before the expiry of the following time periods unless those notified have stated in writing that they have no objections to the proposals.

Neighbour notification	<ul style="list-style-type: none"><li>• 24 days from date of the letter whether delivered by hand or by post.</li></ul>
Press notice	<ul style="list-style-type: none"><li>• 14 days from date of publication in the press.</li></ul>
Site notice	<ul style="list-style-type: none"><li>• 21 days from posting of notice on site.</li></ul>
Developer's Prior Approval Notice	<ul style="list-style-type: none"><li>• 28 days determination period from the date on which the local planning authority gave notice to the applicant that prior approval of the development was required</li></ul>
	<ul style="list-style-type: none"><li>• 14 days from posting of site notice or neighbour notification letter.</li></ul>
Notice to owners or tenants by applicant	<ul style="list-style-type: none"><li>• 21 days from council's service of notice.</li></ul>

## Publicity for Committee site visits

The following additional publicity will be arranged when an application site is to be visited by the Planning Committee:

- applicants and agents will be informed by letter;
- all objectors and supporters who have submitted views in writing individually will be informed by letter;
- the organiser of a petition, or set of standard letters, normally the first named person, will be informed by letter;
- a site notice will be displayed.

This publicity material will identify the application details, the time and date when the Committee will visit the site and provide information on how the visit will be conducted.

This publicity material will include:

- the application number, location and description of proposals;
- the date, time and venue of the Committee meeting at which the application will be considered;
- advice that during the Committee meeting there will be an opportunity for the applicant, agent or supporter and an objector to make verbal representation.

These publicity arrangements will normally be carried out during the seven days before the Committee site visit.

## **Re-notification on amendments to applications currently under consideration, amendments to approved schemes, submission of details and schemes to comply with and/or discharge of conditions**

The statutory requirements do not apply to these types of submission and the Code of Practice explains below how publicity for these will be provided.

Publicity for amendments and proposals of this nature is optional. The council will decide whether and how to give publicity taking into account if:

- (a) objections or reservations were raised at an earlier stage, whether they were substantial and, in the council's view, relevant to the amendments being sought;
- (b) the proposed changes would have a significant impact when compared to the original proposals;
- (c) earlier views covered the matters now under consideration;
- (d) parties not previously notified might be affected.

The time periods allowed for receipt of representations following such publicity will normally be 14 days from posting of site notice or date of notification letter.

### **Council development and development by the Crown**

Development proposed by the council or by a government department on behalf of the Crown will receive the same publicity as development of the same type proposed by any other party.

### **Procedural aspects**

The council will adopt the following procedures to ensure the fair and efficient operation of the publicity arrangements:

- applications shall include block plans which clearly and accurately show the house numbers and names of all properties adjoining the site;
- all sites will be visited and a check made that appropriate parties have been informed;
- plans will be checked on site for gross errors and relationship to adjoining properties. Any errors or omissions will be referred back to the applicant;
- publicity arrangements will be carefully considered by planning staff, sent out as soon as possible after receipt of applications and recorded;
- letters will be addressed to the owner and/or the occupier;
- all representations must be made in writing and contain the writer's name and postal address. An email address is not acceptable;
- for all applications decided by the officers under delegated powers, all representations received before the application is determined will be considered before a decision is made;
- for all applications considered by the Planning Committee, any information or representations not received by 5.00pm on the Wednesday before the Committee meeting on the following Tuesday will not be circulated to Committee Members and will not be considered;
- no information or representations will be allowed to be handed out at the Committee meeting;
- applications will only be reported to the Planning Committee if written objections from ten or more separate addresses have been received and remain outstanding. (For clarification, a petition and/or a bundle of standard letters shall be regarded as one objection). Where the matters

raised by the objectors have been satisfied by imposing conditions or receipt of amended plans or they relate only to non-planning matters they will not be considered to be outstanding;

- time limits for publicity arrangements shall have expired before the decision is taken unless those notified have stated in writing that they have no objections to the proposals;
- the Planning Committee may delegate power to the Director of Planning and Regeneration, in consultation with the Chairman and Vice Chairman, to approve an application following the consideration of any additional representations received before the expiry of time limits.

### **Information on Decisions**

Decision notices can be viewed on the council's web site at <http://kinnear.wiganmbc.gov.uk/planapps/> for 3 months after the decision is made.

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The council will notify parties of decisions as follows:

Applicants	• By decision notice.
Any owners and agricultural tenants who have made representations in writing about applications affecting their land	• By copy of decision notice.
Supporters and objectors who have made representations, including Members of the council	• By a copy of decision notice to each party.
Signatories of petitions	• By copy of decision notice to the organiser of the petition, normally the first named person.

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When large numbers of representations have been received other arrangements will be made to publicise the decision as considered appropriate by the Director of Planning and Regeneration, including press releases or press notices.

### **Explanation of changes**

This Code of Practice was updated in January 2006. The main changes to the previous version of March 2005 were:

1. Clarification of the types of applications to be publicised by press and site notices.
2. Confirmation that postal addresses must accompany representations and that email addresses are not sufficient.
3. An increase in the number of objections which will trigger referral of an application to be determined by Committee from 5 to 10 and clarification that petitions and standard letters are regarded as one objection.
4. Advice that decision notices can be viewed on the council's web site.