

Site publicity for planning applications:

We have previously had a variety of procedures in various places but no combined procedure incorporating all relevant requirements and National guidance.

This procedure note now includes SCI requirements as well as requirements of regulation and statute. It also includes notes setting out how terms used are to be interpreted.

For applications received on and after 12 July 2010, site publicity will be carried out using this checklist.

Comments:

1. Primary means of publicity, i.e. to meet requirements of GDPO etc are in **bold** in the table.
2. We put up a minimum of 1 notice for all applications.
3. The SCI states that “where applications are close to a residential property, we will deliver letters to houses that may be affected by the development.” The words “close”, “affected” and “deliver” are not defined. The first two are to be taken as having the same meaning as “neighbouring land” for the purposes of this procedure, using Note 2 below. The word “deliver” is taken to mean “sending for delivery in the post”, the reasonable expectation being that it would arrive. Since in all cases a site notice is also used, this level of certainty is considered acceptable.
4. 2 & 3 mean that our procedure will always go beyond the GDPO/etc minimum requirements.
5. In cases where more than 1 notice is needed, Note 3 sets out how the number of notices required will be decided.

Type of planning application	Site Notice	NNL	Comment
Application subject to EA (schedule 1 or 2) accompanied by Env Statement (see note1)	Yes	NNLs to any neighbouring res. properties.	Defined by part 8 of GDPO as "para 2" applications – para 3 specifies type of advert. For EIA, post copy of red line plan with each Notice (C.02/99 para 102)and Reg. 13 of SI 1999/293). Period – 21 days for all notifications.
Departure from development plan	Yes	NNLs to any neighbouring res. properties.	
Affect a public right of way	Yes	NNLs to any neighbouring res. properties.	
Major and Minor development (defined by PS 2 codes)	Yes	NNLs to any neighbouring res. properties.	Includes all mineral/waste development apart from those covered above.
Householder applications	1 on site frontage only.	NNLs to all neighbouring properties.	"Neighbouring" defined as in Note 2 below
Applications affecting the setting of a listed building	Yes	NNLs to any neighbouring res. properties.	S67 of Planning (Listed Building and Conservation Areas) Act. 1990
Applications within conservation areas	Yes	NNLs to any neighbouring res. properties.	S73 of Planning (Listed Building and Conservation Areas) Act. 1990
Other types of application			
Application for listed building consent	Yes		Reg 5 Listed Buildings and Cons Area Regs 1990 SI 1990/1519 as amended
Application for conservation area consent	Yes		Reg 5 Listed Buildings and Cons Area Regs 1990 SI 1990/1519 as amended
Telecoms Notifications*	Yes		Part 24 GPDO
Modification/Discharge of S106	Yes		Reg 5 TCP (modification & Discharge of Planning Ob) Regs 1992 SI 1992/2832 as amended

Reserved Matters Submissions	Yes	NNLs to any neighbouring res. Properties.	No requirement (Art 4 GDPO) but treat as if it were a planning application
Applications for Certificates of Existing Use or Development.	Yes		No requirement S191 T&CPA 1990 but publicise for 'openness' (Have special site notice)

Note 1 – if an EA is received after the application is submitted it is the applicants' responsibility to publicise under T&CP (Assessment of Env Effects) Regs (Reg. 14 of SI 1999/293). See also C. 15/92.paragraph 15

Note 2 – Properties (that is buildings and their curtilages) comprising "neighbouring land" (for the purposes of site publicity, the same meaning as "neighbouring") will be identified using the following guidance:

Circular 15/92

ANNEX

EXTRACT FROM THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (SCOTLAND) ORDER 1992

...

"Neighbouring land" means land which is conterminous with or within 4 metres of the boundary of land for which the development is proposed but only if any part of such land is within 90 metres of any part of the development in question:

Provided that

- (a) where the proposed development is taking place within a building divided into separate units "neighbouring land" shall include.-.
 - (i) Those parts of the building conterminous with or within 4 Metres of the boundary of that unit; and
 - (ii) All units directly above and below the unit for which the development is proposed and all units directly above and below those parts of the building conterminous with or within 4 metres of the boundary of that unit; and
 - (iii) Land out with the building which is conterminous with or within 4 metres of the boundary of the unit for which the development is proposed;
- (b) Where the "neighbouring land" consists of or includes a building divided into separate units, and the proposed development is taking place within a building which is not divided into separate units, only those units of that building which are conterminous with or are within 4 metres of the boundary of the land for which the development is proposed and all parts of the building directly above and below those units shall constitute neighbouring land;
- (c) Where the "neighbouring land" consists of or includes a building divided into separate units, and the proposed development is taking place within a building which is also divided into separate units, only those units of the former building which are conterminous with or are within 4 metres of the boundary of the unit for which the development is proposed and all parts of the building directly above and below those units shall constitute neighbouring land;

- (d) Where a road falls within the distance of 4 metres measured from the boundary of the land or the boundary of the unit (as the case may be) for which the development is proposed, the width of such road shall be disregarded in calculating the specified distance unless the road is more than 20 metres in width.

Note 3 – For all applications including Householders, notices must be posted taking account of the following:

- The notice(s) must be readable from the public highway. Take care when a property is accessed from a private drive that no-one needs to go onto private land in order to read the notice.
- Avoid posting them above head height as they are difficult to read for people with visual or movement difficulties.

For all Householder applications:

- Only 1 notice is ever required.

For all applications other than Householders:

- Notices must be no more than 50m apart along any frontage.
- Notices must be posted along all frontages with a highway.
- Where a boundary abuts other land that is accessed from a different road to the application site, notices must be posted on that road too.
- For EIA apps, a plan of the application site must be posted with each notice.