

PLANNING APPLICATIONS – NOTIFICATION AND CONSULTATION

What this paper is about

The paper deals with concerns expressed by a member Committee about the scope for inconsistency in informing/consulting local residents about planning applications which have an impact on the area of more than one local planning authority.

Points for Discussion

Delegates are asked to contribute the benefit of any experience they may have as to the steps taken to notify/consult in relation to any planning application having an impact on the area of more than one local planning authority.

Points for Possible Action

Is there are case for collective representations to be made to the Government for better consistency in publicising such applications?

The Issue

1. The London City Airport Consultative Committee is concerned about the scope for inconsistency in informing/consulting local residents about planning applications which have an impact on the area of more than one local planning authority.

Background

2. The Committee's concern flows from an application submitted last year by London City Airport (LCY) to vary the limits in the present airport planning permission so as to increase the number of permitted flights.
3. It will be seen from the annexed map that LCY lies wholly within the southern part of the London Borough of Newham (LBN) and accordingly it was to the LBN that the planning application was submitted. However, the boundaries of the London Boroughs of Tower Hamlets, Greenwich, Bexley and Barking and Dagenham lie close by. Aircraft bound to and from the Airport fly over or close to all of those boroughs but especially the eastern part of Tower Hamlets and the Thamesmead area of Greenwich which lie on the final approach/take-off surfaces.
4. In recognition of the impact which the Airport has on neighbouring boroughs, the Boroughs of Tower Hamlets, Greenwich and Bexley are represented on the Consultative Committee along with members representing the LBN and the Gallions Housing Association which is the successor to Thamesmead Town and manages much of the local infrastructure there. The London Borough of Barking and Dagenham is not currently represented.
5. It is clear to the Consultative Committee that both the Airport and the LBN have been diligent in ensuring that the local communities in Newham affected by the application are aware of its impact. In particular:
 - In June 2007 the Airport circulated all Newham residents south of the A13 with Edition Six¹ of its printed news sheet for local people known as *Runway News*. This included full information about the planned application and there was more information in Edition Seven² similarly distributed in Newham in October 2007. In November the Airport likewise distributed a printed *Question and Answer* sheet³. Throughout the Airport has ensured that the Consultative Committee is fully briefed and there has been full information about the application on the Airport's website including appropriate links and a non-technical summary of the application.
 - On receipt of the application the LBN arranged for letters to be sent to all Newham Households south of the A13 and notices about the application were published in local newspapers and by posting in local streets. And full details of the application have been posted to the Council's planning website, including the supporting documents.
6. But from correspondence received by the Committee, and from press reports, it would appear that similar steps were not taken (or taken everywhere) to inform those living outside Newham where the impact of the application might be similar and who might therefore want to make representations. It is noted, however, that the LB of Greenwich published a notice about the application in *The Mercury* on 21st November 2007 and also in the council's own newspaper *Greenwich Time*, which goes to all homes in the borough.
7. The LBN says it is required in such a case only to notify neighbouring Boroughs of the application and it is for them to decide what steps, if any, should be taken to notify and invite comment from those who might be affected locally. Any such comments would then be taken into account by that Council in its response to the LBN. The LBN says it

¹ http://www.londoncityairport.com/downloads/LCY-RunwayNews_Edition_6_0607_WEB.pdf

² http://www.londoncityairport.com/downloads/LCY-RunwayNews_Edition_7_1007_WEB.pdf

³ <http://www.londoncityairport.com/Downloads/PlaningAppQAndA.pdf>

notified neighbouring Boroughs but it seems that in West Thamesmead at least the steps taken to inform local residents with a clear interest in the application were a good deal less intense than those adopted in Newham.

The Present Rules

8. The procedures for statutory publicity are set out primarily in the General Development Procedure Order 1995 (as amended). *Circular 15/92: Publicity for Planning Applications*⁴ also provides guidance. This Circular, although issued originally to accompany an earlier General Development Order, remains the principal source of advice on how local planning authorities (LPAs) should fulfil the statutory requirement to publicise planning applications. Good practice procedures are outlined, and local planning authorities are encouraged to consider doing more than the legal minimum to ensure that people find out about new planning applications. Three types of publicity are recognised: notices in local newspapers, a publicly visible site notice, and neighbour notification to occupiers and owners of adjoining properties.
9. In respect of applications which straddle the boundaries of two or more local authorities, paragraph 21 of the Circular states “Where an application straddles boundaries of two or more local authorities, the authorities concerned will need to agree which is the most appropriate method of publicity”. The Circular also advises that in determining the method of publicity, authorities need to take account not only of their existing practices but also of the circumstances of the site.
10. In 2004, the *Office of the Deputy Prime Minister* published a Review of the Publicity Requirements for Planning Applications⁵. The review found that the varying publicity requirements for different applications can cause confusion, particularly for non-statutory consultees. In summary, newspaper advertisements were considered to be the least effective form of publicity, with neighbour notification the most effective in terms of generating involvement in the determination of applications. Site notices are recognised as having some value, but this is affected by the location of the application site in relation to thoroughfares. Most LPAs use a combination of the statutory regulations supplemented by local procedures that also allow case officers some discretion in determining the form of publicity required. One of the key conclusions of the study was that the current system for statutory publicity requires more clarity, especially with respect of time periods for consultation. At present, the approach is inconsistent across LPAs.
11. The planning reform agenda has introduced a number of changes including the requirement on local authorities to produce a *Statement of Community involvement (SCI)* to establish LPA policies for consulting communities on applications and this approach is supported in *Planning Policy Statement 1: Delivering Sustainable Development*⁶. In addition to this the *Planning and Compulsory Purchase Act 2004* requires regional planning bodies and local planning authorities to prepare a Statement of Community Involvement, in which they should set out their policy on involving their community in preparing regional spatial strategies, local development documents and on consulting on planning applications.

The LCYCC’s View

12. The Committee recognises that notification/consultation in such a case is fraught with difficulty and it does not doubt the difficulty of framing planning law and procedure, and any associated guidelines, to fit the local circumstances of every case.
13. Nonetheless, the Committee is of the view that the steps taken to notify and consult local interests should be consistent as between one area and another and it believes that steps should be taken to ensure this. This might lead to binding requirement on

⁴ <http://www.communities.gov.uk/publications/planningandbuilding/circularpublicity>

⁵ [Review of the Publicity Requirements for Planning Applications](#)

⁶ <http://www.communities.gov.uk/publications/planningandbuilding/planningpolicystatement1>

the lead Borough to consult and agree arrangements with its neighbours and, perhaps, with the applicant – and there is no doubt in this case that LCY is very anxious that everyone should be aware of the proposals and have an opportunity to comment. The presence of Borough boundaries should not without good reason lead to any dilution of an agreed common approach.

Conclusion

14. Applications for the development of airports very often have an impact on the area of more than one local planning authority.
15. Many airports (for example Heathrow and Gatwick) are located close to, or astride, the areas of more than one local planning authority
16. Delegates are asked to contribute the benefit of any experience they may have as to the steps taken to notify/consult in relation to any planning application having an impact on the area of more than one local planning authority.
17. Is there are case for collective representations to be made to the Government for better consistency in publicising such applications?

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