



Development Control Committee	Thursday, 30 May 2024	Matter for Information
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Report Title: **Neighbour Notification Letters – Planning Application Consultations**

Report Author(s): **Jamie Carr (Planning Policy & Development Manager)**

Purpose of Report:	<p>This report highlights to Members that the Council will stop posting out neighbour notification letters for all planning application proposals that the Council assesses and determines. This will result in a significant saving to the Council by removing all of the costs associated to posting letters, as well as ensuring the Council is reducing its carbon footprint in its effort to become more 'green' and carbon conscious.</p>
Report Summary:	<p>As Members are aware the Council has had to carry out a process of service transformation in order to balance the 24/25 Council budget. One of the effects of this is that all planning related processes that the Planning Department carries out are being reviewed.</p> <p>Legislation is clear that Local Planning Authorities are under no statutory obligation to send out neighbour notification letters for any planning application. The statutory requirements are very much an 'and / or' scenario, ie site notice <u>or</u> neighbour notification letter and not both.</p> <p>Stopping the posting of neighbour notification letters will save the Council well in excess of £10,000 annually. Over a 5 year period the Council will save well in excess of £50,000.</p> <p>To ensure that public consultation is still fully effective, the Council will continue to directly consult with relevant statutory consultees, other relevant community organisations, will place additional site notices close by to application sites, will advertise in the press when legislation requires to do so and applications will be advertised on the Council's website.</p> <p>Further, the Planning Application Acknowledgement Letter that is sent to applicants, has been amended to put the onus on the applicant to tell their neighbours what they are proposing to do within their submitted planning application.</p>
Recommendation(s):	<p>It is recommended that Members note the contents of this report.</p>
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Strategic Objectives:	Our Council (SO1) Our Communities (SO2) Our Economy (SO3) Our Environment (SO4) Our Partners (SO5)
Vision and Values:	"Our Borough - The Place To Be" (Vision) Customer & Community Focused (V1) Proud of Everything We Do (V2) Collaborative & Creative (V3) Resourceful & Resilient (V4)
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	The implications are as set out at paragraph 4.6 of this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6) Organisational / Transformational Change (CR8) Economy / Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	None.

1. Introduction

- 1.1 As Members are aware the Council has had to carry out a process of service transformation in order to balance the 24/25 Council budget. As a result, the Planning Department has had to review all of the processes that it carries out, particularly those associated with public consultation on planning applications.

- 1.2 This report highlights to Members that the Council will stop posting out neighbour notification letters for all planning application proposals that the Council assesses and determines from the 1st June 2024. This will result in a significant saving by removing all costs associated with posting letters.
- 1.3 In addition, the Council's Climate Change Strategy demonstrate how we are committed to playing our part in responding to the growing evidence that urgent action is required to respond to climate change. Tackling climate change requires significant cuts to greenhouse gas emissions (including carbon) and action from us all to prevent the worst of its impacts. The UK government has a legally binding national commitment to cut emissions and reach net-zero by 2050. As a local authority we have a leadership role to play and will take direct action where possible to reduce carbon emissions from our own assets and operations. Reducing the amount of paper/envelopes used for neighbour consultation letters is a key action in this respect.
- 1.4 The following paragraphs set out the national and local consultation requirements and the costs associated with distributing neighbour notification letters for planning applications.

2. Government Requirements for Consultation

- 2.1 The steps that Local Planning Authorities should take in relation to public consultation on planning applications is set out by Government in a number of different pieces of legislation.
- 2.2 Paragraph 002 of the Government's 'Consultation and pre-decision matters' Planning Practice Guidance states that:

'Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in [article 15 of the Development Management Procedure Order](#) (as amended). There are separate arrangements for applications for permission in principle which are set out in [Article 5G of the Town and Country Planning \(Permission in Principle\) Order 2017](#) (as amended); for listed buildings which are set out in [regulation 5](#) and [regulation 5A of the Listed Buildings and Conservation Area Regulations 1990](#) (as amended) and for applications for prior approval for development which is subject to permitted development rights which are set out in [Schedule 2 to the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (as amended).'

- 2.3 Further Paragraph 004 states that:

'Local planning authorities have discretion about how they inform communities and other interested parties about planning applications. [Article 15 of the Development Management Procedure Order](#) sets out minimum statutory requirements for applications for planning permission. These are summarised in [Table 1](#).

In addition, local authorities may set out more detail on how they will consult the community on planning applications in their Statement of Community Involvement, prepared under [section 18 of the Planning and Compulsory Purchase Act 2004](#). See also [guidance on plan-making](#).

Publishing information online in an open data format can help facilitate engagement with the public on planning applications.'

- 2.4 The summary table (Table 1) specified in Paragraph 004, is very helpful and clearly sets out the consultation requirements for each type of planning application. A version of Table 1 is shown below.

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry) (including an application for public service infrastructure development made on or after 1 August 2021)		Required	Required	Required
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	Required		Required	Required
Applications which do not accord with the development plan in force in the area (including an application for public service infrastructure development made on or after 1 August 2021)	Required		Required	Required
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies (including an application for public service infrastructure development made on or after 1 August 2021)	Required		Required	Required
Applications for planning permission not covered in the entries above eg non-major development		Required		Required
Applications for listed building consent where works to the exterior of the building are proposed	Required		Required	Required
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building.	Required		Required	Required
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	Required		Required	Required

2.5 Taking account of the above legislation and Table 1, it is clear that Local Planning Authorities are under no statutory obligation to send out neighbour notification letters for any planning application. The statutory requirements are very much an 'and / or' scenario, ie site notice or neighbour notification letter and not both.

3. Local Requirements for Consultation

3.1 The Council's Statement of Community Involvement 2024 (SCI), (which can be found on the following weblink - [https://www.oadby-wigston.gov.uk/files/documents/statement_of_community_involvement_2024/Statement%](https://www.oadby-wigston.gov.uk/files/documents/statement_of_community_involvement_2024/Statement%20of%20Community%20Involvement%202024.pdf)

[20of%20Community%20Involvement%20%282024%29.pdf](#)) sets out how the Council should consult on each and every planning related consultation.

- 3.2 To note, the most recent SCI was approved by Members at PFD Committee on Tuesday 26th March 2024. Pertinent points of the SCI are included below:

'In publicising planning applications, it is necessary for the Council to strike a balance between the consideration of cost, speed of decision making and providing a reasonable opportunity for public comment.'

'Neighbour notification by letter or email - *Statutory organisations and neighbours adjoining a site or otherwise directly affected may be targeted. The letter includes brief information about the proposals and gives guidance on how to comment.'*

- 3.3 Taking account of the above, there is currently no requirement for the Council to be posting out neighbour notification letters on any type of planning application, at a local level.

4. What We Currently Do

- 4.1 Currently the Council places a site notice and posts out neighbour notification letters for all types of planning applications. In addition, the Council also directly consults with relevant statutory consultees, other relevant community organisations, advertises in the press when legislation requires to do so and advertises on the Council's website. This is over and above what the Legislation states that the Council should be doing.

- 4.2 Having examined each and every planning application that the Council consulted upon during the 2023-24 financial year (ie 1st April 2023 to 31st March 2024), the following can be highlighted.

- 500 planning applications were consulted upon (note; not all applications are consulted upon, e.g Certificate Lawfulness, Pre-apps and certain prior approval applications)
- 5,075 neighbour notification letters were posted out by the Council
- 215 representations were received by the Council directly from addresses to which neighbour notification letters were posted (4.24%)
- 409 representations were received by the Council from addresses of which neighbour notification letters were not posted (8.06%)

- 4.3 As can be seen from the above, the number of representations received by the Council is low compared to the number of neighbour notification letters that were posted. Only some 4% of those neighbour notification letters posted out resulted in a representation being made. It should also be noted that a proportion of the 4% of responses from residents that received a neighbour notification letter, may well have responded on the basis of seeing the site notice or as a result of other methods of consultation that the Council carries out, rather than as a result of receiving the neighbour notification letter.

- 4.4 Using the following costs, the total material costs per letter sent by the Council is £1.59.

- A4 sheet - £0.04
- Small envelope - £0.25
- Postage small envelope (2nd class) - £0.65
- Printing - £0.65

- 4.5 From a purely material cost point of view, the total cost for sending out neighbour notification letters during the past financial year was £8,069.25. Note, this does not include Officer costs or any other associated costs.
- 4.6 Officer costs are estimated to be between £1,607 and £6,428 based upon it taking between 1 and 4 minutes of Officer time per letter at a salary rate of £19 per hour (salary band 5). Taking account of both material costs and Officer costs, the posting of neighbour notification letters cost the Council between £9,676 and £14,497 (for 5,075 posted letters).
- 4.7 Taking the number of representations that were received directly relating to a neighbour notification letter, each representation received by the Council during the 2023-24 financial year, cost the Council between £45 and £67.
- 4.8 As a comparison, and to demonstrate how costs to the Council can be impacted due to fluctuations in the type of planning applications received, during the 2022-2023 financial year, records show that over 7,000 neighbour notification letters were distributed by the Council. As an example, the posting of circa 7,000 neighbour notification letters would have cost the Council in the region of £20,000.

5. What We Are Proposing To Do In The Future

- 5.1 The Planning Administrative Officer has recently retired from the Planning Department and as part of the service transformation process that the Council is undertaking, this post will not be replaced. It is this post that has previously had responsibility for printing and posting out neighbour notification letters. As a result, the Council no longer has dedicated staff resource to post out neighbour notification letters.
- 5.2 If the posting out of neighbour notification letters were to continue, then it would need to be carried out by the higher grade posts of the Planning Validation Officer or Development Control Officers. This would not only tie more senior staff up with an administrative tasks and impact upon the Council's ability to determine planning applications within the statutory time period, but would also increase the cost to the Council for carrying out the process.
- 5.3 Stopping the posting of neighbour notification letters will save the Council well in excess of £10,000 annually and enable the Planning Department to operate effectively despite the reduction in staff. It should be noted that the cost savings should be looked at cumulatively and not a one off saving, for example over a 5 year period the Council could be saving well in excess of £50,000.
- 5.4 In terms of benchmarking against other Local Planning Authorities, it has been ascertained that some send neighbour notification letters and some don't. However, it is understood that those that currently post out neighbour notification letters are reconsidering their position due to the significant costs that are incurred and pressures upon local authority budgets.
- 5.5 Objective RE5 of the Council's Environment Strategy and Action Plan states that the Council will reduce its use of paper and plastics. It goes onto suggest that the Council will introduce responsible printing protocols, as well as reducing the amount of printing or printing more efficiently. The ceasing of posting out neighbour notification letters will not only reduce the carbon footprint of the Council in relation to the actual sorting and posting of the letters, but will also drastically reduce the use of paper and printing materials.
- 5.6 Although neighbour notification letters will not be posted out, every planning application received by the Council will continue to be publicly consulted on in conformity with the

relevant national legislation and local guidance. The Council ensure that public consultation is still as effective as it can be, the Council will continue to directly consult with relevant statutory consultees, other relevant community organisations, will place site notices close by to application sites, will advertise in the press when legislation requires to do so and all applications will be advertised on the Council's website.

- 5.7 Further the Council has amended the Planning Application Acknowledgement Letter that is sent to applicants, to put the onus on them to tell the neighbours what they are proposing to do within their submitted planning application. The relevant part of the letter states:

Consultation

As part of the planning application determination process, the Council is required to undertake a formal period of public consultation (usually 21 days) where views on your proposal can be expressed. The Council will consult directly with relevant statutory consultees, other relevant community organisations, will place site notices close by to the application site, will advertise in the press when legislation requires to do so and the application will be advertised on the Council's website.

The Council would also encourage you as the applicant to present your proposal to the owners / occupiers of neighbouring properties to the application site to ensure that they are aware of your planning application and its proposals. Such a process will ensure openness and transparency and potentially prevent future issues with neighbouring properties.

Any comments that the Council receives will be carefully considered by the Case Officer when coming to an informed planning decision.'

6. Conclusion

- 6.1 This report highlights to Members that the Council will be stopping the posting out of neighbour notification letters for all planning application types, for the reasons set out above.