

PUBLICITY AND NEIGHBOUR NOTIFICATION

Statutory Procedures

Statutory advice is primarily set out within:

The General Development Procedure Order 1995 (as amended)
 The Planning (Listed Buildings and Conservation Areas) Act 1990
 The Planning (Listed Buildings and Conservation Areas) Regulations 1990
 Circular 15/92 – Publicity for Planning Applications

This provides the basis for the statutory requirements for publicity on different types of applications and results in the following requirements.

Table 1

Nature of Development	Publicity Required and consultation timescale	Statutory Provisions
Application accompanied by Environmental Statement.	Advertisement in newspaper (14 days) and site notice (21 days)	Article 8, Part 3 of the GDPO
Departure from Development Plan		
Affecting public right of way		
Major Development	Advertisement in newspaper (14 days) and either site notice (21 days) <u>or</u> neighbour notification (21 days)	Article 8, Part 4 of the GDPO
Minor Development	Site notice (21 days) <u>or</u> neighbour notification (21 days)	Article 8, Part 5 of the GDPO
Development affecting the setting of a listed building	Advertisement in newspaper (21 days) and site notice (7 days)	Section 67 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Development affecting the character or appearance of a conservation area.	Advertisement in newspaper (21 days) and site notice (7 days)	Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Neighbour Notification

As indicated above, there is a slightly different approach to who is actually notified under the neighbour notification procedures. Circular 15/92 includes an Annex with reference to the notification procedures adopted in Scotland (General Development Procedure (Scotland) Order 1992). These procedures have historically been widely accepted and used by Local Planning Authorities throughout the country.

The specifics of the procedure are quite detailed but in summary this requires notification of neighbouring land (within 4m), including those across the road (if within 20m) but only if any part of such land is within 90m of the proposed development.

Timing

There is also a need to ensure that the deadline for commenting on applications is the same. For example: **Macclesfield** has deadline of 12 noon on the final day, while **Congleton** does not specify a time.

Newspaper Advertisement

Publicity of applications in the newspaper will be in accordance with the details set out in Table 1.

PROPOSED PROTOCOL OPTION (in addition to the statutory requirements)

- **Site Notices** are only put up where land owners cannot be identified, e.g. where the site is next to open land / rural locations
- **Neighbour notification** takes place in accordance with advice within Circular 15/92 – which will include notifying neighbours opposite the site (if within 20m). In addition, for all major minerals/waste applications all properties within a 400m radius of the site should be notified.
- The **timing** for comments to be submitted by will be 12 noon on the respective deadline day.
- **Telecommunication applications** (including determinations under the GPDO) be advertised by means of neighbour notification and a site notice. Press advertisements should be placed for masts of 20m or higher

Guide to Neighbour Notification

WHICH NEIGHBOURS MUST I NOTIFY?

You **must** notify:

1. any land or buildings which share, or lie within 4m of, a boundary of the land for which your development is proposed (ignore any road 20m or less in width when measuring the 4m);
2. **where your proposed development is in a sub-divided building (eg a tenement or flatted property) and neighbouring land does NOT consist of a sub-divided building** - all parts of the building adjoining or within 4m of your part, plus all parts of the building directly above and below your part and those parts. (1) above also applies;
3. **where your proposed development is NOT a sub-divided building but neighbouring land consists of a sub-divided building (eg a tenement or flatted property)**- only parts of the sub-divided building which are adjoining or within 4m of the boundary of the land for which your development is proposed, plus all parts of the building directly above and below those parts;
4. **where the proposed development is in a sub-divided building (eg a tenement or flatted property) AND neighbouring land also consists of a sub-divided building** - follow (2) and (3) above.

Do not notify where:

1. a road wider than 20m separates neighbouring land from the land for which your development is proposed;
2. there is at least 90m between the proposed development and the boundary with neighbouring land.

