



To: Interim Measures Group

Title: Publicising Planning Applications

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Summary: The Statement of Community Involvement lays down how Maldon District Council will publicise planning applications to the wider community. Currently the consultation process exceeds the minimum that is required by law. It is recommended that, at this challenging time, the Council should only publicise planning applications to the level required by the law.

1. Introduction

- 1.1 Maldon District Council's (MDC) Statement of Community Involvement (SCI) currently requires, in relation to planning applications, community engagement above and beyond the legal requirements; this includes the display of site notices and direct consultation, in the form of a letter, of adjoining residents.
- 1.2 COVID-19 and the measures introduced to restrict the spread of the virus are putting additional pressure on the Planning Service to meet the requirements of the adopted SCI. These issues are likely to be exacerbated, in the coming weeks and months, as the impact of the Virus is felt by MDC as well as by any further restrictions imposed by the Government.
- 1.3 Therefore, there is a need to consider ways of making the process more streamlined, less demanding on resources and fit for purpose in these challenging times whilst also ensuring that the process is legal and any decisions cannot be challenged in the future.

2. Background

- 2.1 The SCI provides a comprehensive vision and proactive commitment to ensure that communities and stakeholders are consulted in planning matters. A key aspect of the Planning System is effective engagement and involvement of the local community and interested parties. The SCI aims to enable efficient engagement on all planning matters including planning applications, new planning policy documents and Neighborhood Plans.
- 2.2 Whilst there is a statutory requirement to consult on planning applications, Regulation 15 of the Development Management Procedure Rules 2015, MDC's current SCI goes above and beyond this requirement; this puts an additional burden on the resources of MDC particularly at this challenging time. Please see extract from Maldon's SCI attached as Appendix 1.
- 2.3 The Town and County Planning (Local Planning) (England) (Amendment) Regulations 2017 requires Local Authorities to update their SCI every five years and MDC last did this in 2018. However, this does not mean that a Council can not revisit the document before five years has expired.

3. Current Situation

- 3.1 COVID-19 and the measures introduced to restrict the spread of the virus are having real and demonstrable impacts on the ability of Planning Services, across the Country, to determine planning applications effectively. MDC, thanks to the recent investment in technology across the Council, is, compared to many, in a favorable position and the determination of the existing applications should not be significantly impacted upon. However, the current requirements of the SCI are putting a real burden on the Service; this burden is likely to increase as the virus and additional restriction impact further on the Council's ability to deliver 'business as usual'.
- 3.2 The predominant issue is the requirement to "*send notifications of planning applications via a letter,*" to neighboring properties. This is a relatively time-consuming task that is only dealt with by a limited number of officer's furthermore, there is a need for the letters to be produced within the Council offices. Whilst there is restricted access at this time there is a likelihood that this may cease in the future or become more restricted.
- 3.3 It is also worth highlighting that recent guidance from the Ministry of Housing, Communities and Local Government requires that Councils "*take an innovative approach, using all options available to you to continue your service*" (Please see Appendix 2 for full letter). It is therefore considered appropriate to revisit existing requirements and regimes to see what can be reviewed or amended to ensure that the Planning Service can be delivered over these challenging times. However, it is imperative that any revision ensure that the delivery of the Service is within the legislative requirements and that any legal challenge to any decision can be robustly defended.

4. Proposal

- 4.1 It is proposed that MDC's Planning Service restrict the publicising of planning applications, and therefore, the consultation of the general public, to that required under Regulation 15 of the Development Management Procedure Rules 2015. This will mean that the burden on the limited resource is reduced but will also allow MDC flexibility to deliver the best option and service available in the future in this fast-changing environment.
- 4.2 It is important to note that this will not alter the consultation process for other parties including statutory consultees or parish/town councils.

5. Recommendation

- 5.1 With immediate effect the consultation practice, undertaken as part of the determination of planning applications, as laid out within the Maldon District Council Statement of Community Involvement November 2018 will be amended to require the Local Planning Authority to publicise the application in accordance with Regulation 15 of the Development Management Procedure Rules 2015.