



Publicity Applications

Communities & Local Government
Floor 1, Zone A1 Eland house
Bressenden Place
London
SW1 E 5DU

Dear Sir/Madam

Publicity for Planning Applications Consultation

A response from the Planning Officers' Society

The Planning Officers' Society represents the most senior professionals and managers of planning functions in the English local authorities. We set out to:

- Act as an advocate and promoter of Local Government planning;
- Assist and advise the Government and the Local Government Association on planning matters and related issues;
- Act as a centre of excellence, undertake research and promote best practice in planning matters;
- Promote all aspects of the built and green environment by working closely with other organisations and professions.

The Society's aim is to ensure that planning makes a major contribution to achieving sustainable developments, from national to local level, in ways which are fair and equitable and achieve the social, economic and environmental aspirations of all sectors of the community.

This response on behalf of the Planning Officer's Society (POS) relates to publicity for planning applications consultation.

The Planning Officers Society welcomes the Government decision to review the current requirements for publicising planning applications. The Society is a keen advocate of public involvement in the planning process. However, current inflexible requirements mean that local planning authorities have to spend millions of pounds of taxpayer's money on ineffective methods of advertising what may often be very small scale proposals of limited interest. In the current financial climate, this inefficient use of public money can no longer be afforded and the Society believes that the compulsory requirement to advertise planning applications in local newspapers should be removed.

The Consultation Paper calls for evidence on the case for or against a possible change in the regulatory framework (paragraph 24). The Society believes that the evidence for change is now irrefutable and sets out the case for it below, before responding to the more specific consultation questions.

The Case for Change

1) The Increasing burden on Councils

The current requirements mean that local planning authorities have to advertise in the press not just major applications, but also all applications for listed building consent (except those where alterations are internal only) and all planning applications for development that affects the character or appearance of a conservation area or the setting of a listed building. In 1971, when these regulations were introduced, the number of listed buildings and conservation areas were far fewer. Since 1971, the number of listed buildings has increased from 137,000 to 372,905 entries in England and the number of conservation areas has increased from none in 1968 to 6,000 in 1987 and over 9,700 now. This has dramatically increased the number and cost of applications requiring press advertisement. For example, in Wiltshire in 2007/08 there were over 1100 listed building applications comprising 14% of the number of applications dealt with. There are also over 240 conservation areas. The combined effect of this is that approximately 25% of the applications in Wiltshire had to be advertised in the local press, even though most of these were for comparatively small householder developments.

The burden is not shared equally. Nationally, 6.3% of planning applications in England were for listed building or conservation area consent. Those authorities with a greater historic heritage have to pay more, despite the fact that as many of them are in rural areas, the fee income and population is less.

Major developments account for only 3.1% of decisions in England – the fact that more than twice as many listed building /conservation area consents are dealt with, with even more applications for developments in conservation areas means that the lack of flexibility is leading to unnecessary advertising of what are often trivial applications of no impact beyond the immediate neighbours, who are made aware of the application by letter.

2) The Increasing Cost to the public purse

Press advertisements were introduced at a time when the local newspaper was one of the main conduits for conveying information to the public. Since then, neighbour notification has become established as the most effective means of communicating details of developments to those most likely to be affected. In addition, local councils have embraced the digital revolution. Planning applications are routinely displayed on local authority web sites and consultation letters and site notices provide details of how to access these. However, local councils are currently in the unenviable position of having to pay the costs for this greater public access in addition to the costs of the less effective newspaper advertising, imposing an unfair extra burden on local residents. Although much of the capital cost may have been absorbed by Planning Delivery Grant, planning applications still have to be scanned and uploaded to council web sites on a daily basis and annual maintenance and updating costs to the companies that provide the technology have to be paid. It is therefore time to look at the effectiveness of the different channels of communication with the public and concentrate on those that are cost effective.

The costs in the Consultation Paper for newspaper advertising are put at £13 million annually. This may be an underestimate. The cost in Wiltshire alone is £130,000 annually. The Secretary of State, John Denham, has stated that he requires local authorities *'to guarantee that every taxpayers pound will work as hard for them as taxpayers worked to earn it in the first place'* and that *'Rightly, taxpayers want to see that their money is always and only being spent where it will make a difference'* (speech to CIPFA June 2009). It should be pointed out that many of the applications that have to be advertised generate no fee income, meaning that the whole cost of the press advertisement is borne by the taxpayer. Every listed building and conservation area consent application advertised falls within this category.

Some local authorities are finding that despite the recession, local newspapers are putting up their advertising charges. In at least one case, Newsquest have cut the discount previously offered from 10% to 8% on the grounds that it is a legal requirement for local councils to advertise in the local newspaper.

3) Ineffectiveness of Newspaper advertising

The Camden study contained in the Consultation paper shows that even in 2003 when web sites were poorly developed, the percentage of people who made comments on a planning application as a result of it being displayed in a press notice was only 2.1 %. This is not surprising as many of the applications that have to be advertised are often for minor changes to buildings in conservation areas or listed buildings. Many of these are of no interest to the public at all. In a survey of listed building applications determined in Wiltshire that were advertised with press notices, 96% had no response from any third party other than statutory consultees, Of the remaining 4%, half responded to neighbour letters, 1% to a site notice and 1% after being notified of the weekly list of planning applications circulated to a local amenity society. Not one person responded to the newspaper advertisements. This evidence shows that many applications are being unnecessarily, but expensively advertised.

It is also noticeable that circulation of local newspapers is dropping, further reducing the effectiveness of any advertising in them. In the 6 months to the end of June alone, regional dailies dropped by 8% overall and many regional weeklies dropped between 5-10%. This is despite the fact that the population is growing, providing a larger market. The cost of purchasing newspapers is also increasing, further depressing sales. Whilst other advertisers are able to take advantage of the changing advertising market by moving to digital or on-line formats, local councils are currently forced to continue to use them.

Even in the Newspaper Societies own survey work for its 'the wanted ads' campaign in 2005, it is noticeable that only 30% of those surveyed agreed that they noticed the adverts in their local paper, with the figure falling to 23% finding the advertising to be relevant and useful.

The reality is that newspaper advertising is the least effective and most expensive method of consultation on planning applications. Neighbour letters and site notices are the most effective. It is also now possible to easily e-mail local amenity societies, residents groups and any other interested party weekly lists of planning applications. Often these are of more use as they include applications for development that have not been advertised in the local press but may be of more interest than many of the minor householder developments that have to be advertised because of their location in a conservation area or impact on a listed building.

In some parts of the country there are no local "pre-paid" for newspapers and the free newspapers are often only distributed in the larger urban areas not the small towns, villages and rural areas that in the case of Milton Keynes account for 80% of the area of the Borough. In such circumstances not only is newspaper advertising an ineffective way of reaching people it is also inequitable.

4) Delay and cost to business

One aspect currently overlooked in the debate on this issue is the fact that advertising applications in the local newspaper can often result in unnecessary delay in the determination of uncontroversial applications. This is due to the need to prepare an advertisement list and then send it in to the local newspaper, which is often only produced weekly. An uncontroversial application for listed building consent or for works in a conservation area may just miss one deadline and not be able to be advertised for another week, prolonging the period before a decision can be issued. This imposes unnecessary delay, particularly on those authorities that during the current recession are trying to assist local businesses by working towards earliest decision dates rather than the backstop of the 8 week deadline. Furthermore, the time taken to prepare the lists, send them to the local agency or newspaper and check their publication is time that could otherwise be more efficiently spent on registering and processing other planning applications.

5) Impact on local newspapers

Clearly, there would be a loss of income to local newspapers from removing the statutory requirement for advertising planning applications. However, this has to be put in context. According to the Newspaper Society, the regional press is the largest print advertising medium in the country, taking £2.3 billion a year. The potential loss

of up to £12-13 million is a drop in the ocean and may be offset by growing on-line revenues and diversifying income streams, such as the possibilities being explored by some newspapers for charging for access to on-line content. Furthermore, as the Camden Survey shows, local people respond more to press articles rather than statutory advertisements. It would be easy for there to be a requirement imposed on local authorities to send a copy of the weekly list of applications to local newspapers. This would also avoid the concern that Councils could somehow 'hide' the emergence of some schemes.

The Society is aware of the concern that reducing the income for local newspapers could have unanticipated adverse impacts on local democracy. As noted above, the overall financial loss would appear small, but the more critical point is that a 'hidden' subsidy to local newspapers by retaining the requirement for press advertisement of planning applications would be wholly unfair on those authorities with a large number of heritage buildings and conservation areas and as the evidence shows, would not meet the Secretary of State's requirements for making the most effective use of local taxpayer's money.

In response to the specific questions raised, the Society's comments are:

1) What are your views on making web publication mandatory for a period of 21 days for planning notices where there is currently a requirement to advertise in a newspaper?

There is a danger that web sites could become confusing to the user if different types of application are singled out for display in a particular way. The Society favours Councils displaying all of their planning applications on-line, with easy access to the plans and documents and a means of responding. Many authorities also display a weekly list of all applications received, which is often also made available to any local organisations on request by e-mail. It may be better to make it mandatory for a weekly list of applications received to be displayed and for this list to be displayed for a minimum of 21 days from publication. This would be less bureaucratic and more proportionate to set up and maintain and would also enable users of the web site to access a wider range of applications that may be of more interest than those that are caught by the current press advertisement requirements.

2) Do you think it should be mandatory for notices of all planning applications to be made available on a local authority web site?

Details of all planning applications should be made available on-line on a local authority web site. If full details of the application, including plans are included, it can assist in cutting down travel demand by enabling residents to view applications from their home or local library without having to travel to the Council offices. There should be no requirement for a separate 'notice' on-line if full details of the application are already available on the web site, as this would be at odds with the proposed proportionate approach advocated by Killian-Pretty. The requirement should be that all applications are available on a local authority web site.

3) The requirements to advertise in newspapers for certain types of planning application and consents are identified in Table 1. What are your views on these possible arrangements?

The Society fully supports the proposal to remove the requirement for newspaper publicity, providing local authorities with the flexibility to choose. Advertising the applications for 21 days on a local authority web site before a decision is made is feasible, although as noted in question 1 above, it may be worth considering displaying a weekly list of all applications.

4) Do you consider that the period for publicising site notices for listed building and conservation are consent should be increased to 21 days?

The Society supports this proposal, as it will introduce greater consistency. Many local authorities already work to this longer date.

5) Do you have any comments on the impact assessment, in particular the anticipated impact on small businesses and equality issues?

The impact on small businesses that submit planning applications could be positive as the greater flexibility to decide whether to advertise applications in the local newspaper could enable local councils to deal with many minor applications more quickly as they will not be constrained by newspaper deadlines and delays.

The impact on regional newspapers has been addressed above and is considered to be largely insignificant. Many regional newspapers are in any event owned by larger businesses, such as Trinity Mirror or Newsquest. Free titles are not used in any significant manner by local authorities as their circulation often does not extend to the required catchment area.

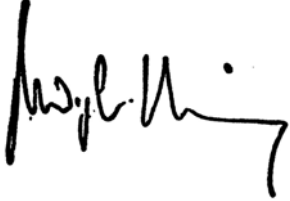
Some authorities may decide to continue to advertise some applications, such as major applications, in the local press. This would reduce any overall financial impact.

In relation to equality issues, as the Camden study shows, the greatest response to planning applications is elicited by neighbour notification. This was in its infancy when press advertisement was first introduced as a requirement but is now the established means of communicating with those most likely to be effected by an application. This is the most cost effective measure and effectively deals with the 'digital divide'. Furthermore, many organisations such as Residents Groups and Amenity societies that may have relied on local newspaper advertisements in the past now have direct access to information via weekly lists that can be circulated to the relevant contact in the organisation.

With regard to competition, there is also some evidence that as many local newspapers are in effect 'monopoly suppliers' in their areas, and as they know that local authorities are obliged to use their services, it is not possible for local councils to negotiate competitive prices. In some areas, whilst circulation has fallen, the costs to local authorities of placing their advertising has increased, which is the opposite of what would normally happen in a competitive market.

The Society hopes that this response to the consultation will be seen as a constructive input into the debate

I hope this is of assistance.

A handwritten signature in black ink, appearing to read 'Phil Kirby', with a stylized flourish at the end.

Name: Phil Kirby (for the Planning Officers' Society)

Title: Strategic Director & Chief Planner

Address: Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Norwich,
Norfolk, NR7 ODU

Date: October 2009