



# Basildon Borough

**Local Development Scheme 2017 – 2018**

8<sup>th</sup> Edition

Effective from 17th March 2017

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## 1. Introduction

Section 15 of the Planning and Compulsory Purchase Act 2004, as amended requires the Council as a Local Planning Authority (LPA) to prepare and maintain a *Local Development Scheme* (LDS). This LDS replaces the 7<sup>th</sup> edition of the LDS for 2016-2018 that was brought into effect in October 2016. This version was approved by the Cabinet Member for Planning on 6 March 2017, and came into effect on the 17 March 2017.

The LDS is the Council's project plan and timetable for preparing a Local Plan for the Borough, which will eventually replace the Local Plan Saved Policies 2007. It sets out:

- The local Plan documents the Council intends to prepare;
- The subject matter and geographical areas for each document;
- The timetable for the preparation of each document.

### Progress during 7<sup>th</sup> Edition

#### Policy Preparation

Since the 7<sup>th</sup> edition approval, the Council has made significant progress on the preparation of its new Local Plan, to progress the 52 Key Actions agreed by Cabinet on 29 September 2016 and work towards developing and compiling the finalised version for submission in 2017. This has included:

- **All Member Scrutiny Engagement** – 5 facilitated evening sessions took place between November and December 2016 covering process, Green Belt, Gypsies and Traveller accommodation provision and Infrastructure
- **New and Alternative Sites Consultation** – held over 6 weeks between November and December 2016 consulting on 7 new sites and twelve alternative approaches to sites proposed by developers, landowners and communities. The Council received over 1,500 responses from c. 750 individuals/organisations. Processing completed, analysis underway to prepare Consultation Report for evidence base.
- **Infrastructure and Stakeholder Engagement** – officers have met, and continue to meet, with infrastructure providers to discuss their needs and Local Plan policy and infrastructure requirements including:
  - the Basildon and Brentwood Clinical Commissioning Group, NHS England, Basildon and Thurrock University Hospital, South Essex Partnership Trust (mental health service provider) and the Community Health Partnership;
  - Education Planning;
  - Emergency Services;
  - Highway and Public Transport service providers; and
  - Communication service providers.
- **Updating of evidence for potential sites** – with the exception of site highway access assessments (see below), all site related environmental evidence including ecology, landscape, archaeology, air quality and sustainability appraisal has now been completed.
- **Duty to Cooperate**
  - **South Essex** - new arrangements have been put in place to change how South Essex authorities and Essex County Council as planning authorities work together to deliver strategic planning solutions over a common spatial geography. This has led to a Memorandum of Understanding being presented

to each of the authorities, which Basildon Council signed in early February 2017 (CMDR reference: L05 (16-17));

- **Brentwood** – meetings between officers and members have taken place to consider strategic and cross boundary issues between the two boroughs. This has triggered specific pieces of joint work on settlement separation and infrastructure to inform both authorities' Local Plans;
- **A127** – Essex County Council are the lead highway authority for revising the A127 Corridor Growth Strategy which considers how the route needs to be operated, invested in and upgraded in the future. All Boroughs and Districts along its route are engaged in this process, including the London Borough of Havering. In addition, Southend on Sea and Transport for London are involved as Highways Authorities, alongside Highways England as the responsible body for the national motorway network and trunk roads; and
- **Greater London Authority** (GLA) – participating in the Wider South East Summits concerning the London Plan Review and impacts and opportunities it could bring to the Basildon Borough Local Plan.

### Operational Progress

Operationally, the Council has also been making preparations for the Local Plan's statutory Examination in Public (EiP), which would take place following a decision to submit. This consists of:

- Planning Officers have undertaken refresher training with two former Planning Inspectors to ensure the Council is ready for the EiP and the processes and protocol involved;
- The Planning Inspectorate remain informed of progress under the LDS to ensure they remain more likely to provide a Planning Inspector for the Basildon Borough Local Plan when requested; and
- Accessible accommodation has been block-booked in the Basildon Centre for Autumn 2017 to host the public hearings that are part of the EiP process.

In February 2017, following a competitive quotation process, the Council awarded a contract for the supply of Programme Officer services to work at the EiP for the Planning Inspector from June 2017. The Programme Officer is a unique and specialist role which provides all administrative, organisational and communication support for the EiP between the Planning Inspector, the Council and participants and it is recommended they are employed prior to submission to ensure adequate project handover into EiP.

## **2. The Scope of the Local Development Scheme**

The Local Development Scheme has two principal purposes:

- To inform the public and stakeholders about the Local Plan for Basildon Borough; and
- To set out a suitable timetable to prepare these documents.

### **Minerals and Waste Planning**

Essex County Council is the Minerals and Waste Planning Authority for Basildon Borough. The Essex Minerals Plan was adopted by the County Council in 2014. The Minerals and Waste Local Development Scheme provides a separate timetable for the

development of the Replacement Waste Local Plan. Once completed and adopted, it will form the policy framework for minerals and waste planning in Essex, including Basildon Borough, and will constitute part of the Development Plan for the Borough. Further information on the Essex Minerals Plan and the Replacement Waste Local Plan can be found by visiting the Essex County Council website: [www.essex.gov.uk](http://www.essex.gov.uk)

### **Neighbourhood Development Plans (NDPs)**

The Localism Act 2011 introduced new rights and powers which allow local communities to shape how their local areas development and change by preparing Neighbourhood Development Plans (NDPs). They can be prepared by town, village or parish councils or by 'neighbourhood forums' in unparished areas, and must be in conformity with the Local Plan for the area.

In accordance with planning legislation, Basildon Borough Council has a statutory duty to advise or assist communities in the preparation of NDPs, but cannot prepare them itself. Once the Council has been notified of the intention of a town, village or parish Council, or a neighbourhood forum to prepare a NDP within the Borough information will be provided on the Councils website.

Further information on Neighbourhood Planning in the Borough can be found out at [www.basildon.gov.uk/neighbourhoodplanning](http://www.basildon.gov.uk/neighbourhoodplanning)

### **3. Monitoring and Review**

The Local Plan making process is designed by legislation to be a continuous process of preparation, monitoring and review. Since 2004 the monitoring and review elements of the process have been undertaken through the Annual Monitoring Report (AMR). The Localism Act 2011 removed the duty on LPAs to submit their AMRs to the Secretary of State each year. However, LPAs are still required to report on an annual basis on their planning activities, including monitoring the delivery of development and the effectiveness of local policies. It is expected that the findings of the AMR will trigger the need for any full or partial review of the Local Plan.

### **4. Timetable**

The Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the stages for preparing a Local Plan. These stages are:

- Regulation 18 – Preparation of a Local Plan (including consultation)
- Regulation 19 – Publication of a Local Plan (including consultation)
- Regulation 20 – Representations to a Local Plan
- Regulation 22 – Submission of a Local Plan to the Secretary of State
- Regulation 24 – Independent Examination
- Regulation 25 – Recommendation from the Independent Examiner
- Regulation 26 – Adoption of the Local Plan

The Community Infrastructure Levy (CIL) Regulations 2010 meanwhile set out the stages for preparing a CIL Charging Schedule. These states are:

- Regulation 15/16 – Consultation and Publication of a Preliminary Draft Charging Schedule
- Regulation 17 – Representations considered
- Regulation 19 – Submission of a Charging Schedule
- IE – Independent Examination
- AVL – Approval of Charging Schedule

Appendix 1 sets out the documents that the Council will be preparing. Appendix 2 sets out a risk assessment for the preparation of the documents.

## **5. Statutory Assessments of the Local Plan**

### **Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)**

Section 19 of the Planning and Compulsory Purchase Act 2004, as amended, requires LPAs to carry out a 'sustainability appraisal' of the proposals in a Local Plan during its preparation. Many of the requirements for sustainability appraisal are similar to the requirements set out in the *Environmental Assessment of Plans and Programmes Regulations 2004*, which give effect to *European Directive 2001/42/EC* regarding the assessment of the effects of certain plans and programmes on the environment. Such assessments are known as *Strategic Environmental Assessment*, and is normally incorporated within the wider Sustainability Appraisal process and reporting.

### **Habitat Regulation Assessment (HRA)**

A Habitat Regulation Assessment is required as a consequence of the *European Habitat Directive 92/43/EEC*. This requires the Local Planning Authority to undertake an assessment of the policies and proposals set out within its Local Plan on sites of International and European importance in terms of nature conservation i.e. Ramsar sites; Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

### **Service Impact Assessment (SIA)**

Basildon Borough's Service Impact Assessment considers the impacts of the proposals in the Local Plan, and other planning documents, on those people with Protected Characteristics as set out in the *Equality Act 2010*.

## Appendix 1: The Documents

The documents that the Council will be preparing are:

- The Basildon Borough Local Plan;
- The Basildon Borough Community Infrastructure Levy Charging Schedule; and
- The Basildon Borough Local Plan Policies Map.

A detailed timetable and schedule for each document is set out below.

### Basildon Borough Local Development Scheme: 2016 to 2018

Q1 = Jan/Feb/Mar; Q2 = Apr/May/June; Q3 = Jul/Aug/Sep; Q4 = Oct/Nov/Dec.

	2017				2018			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Local Plan			Reg 19, 20, 22,	Reg 24	Reg 25	Reg 26		
CIL Charging Schedule			Reg 15/16	Reg 17		Reg 19	IE/ AVL	
Local Plan Policies Map						ADT		

Local Plan Key	CIL Key
Reg 18 – Preparation and public consultation Reg 19 – Publication and public consultation Reg 20 – Reg 19 representations considered Reg 22 – Submission to the Secretary of State Reg 24 – Independent Examination Reg 25 – Recommendations from Independent Examiner Reg 26 – Adoption	Reg 15/16 – Consultation and Publication of Preliminary Draft Charging Schedule Reg 17 – Representations considered Reg 19 – Submission of Charging Schedule IE – Independent Examination (Reg 20, 21 and 23) AVL – Approval (Reg 25)

### Supplementary Planning Documents (SPD)

Whilst legally documents which supplement the Local Plan do not have to be expressed in the LDS timetable, an understanding of what existing and future SPDs could be in place helps appreciate the full planning decision making framework that is intended to be applicable in the Basildon Borough in the future. They are listed below for information purposes only.

Supplementary Planning Document	Adoption, *Update Planned
Development Control Guidelines	Approved 1997*

Gardiners Lane South	Approved 2003*
Wickford Town Centre Masterplan	Approved 2006*
Pitsea Town Centre Masterplan	Approved 2007*
Billericay, Little Burstead, Great Burstead and Noak Bridge Conservation Area Appraisals and Management Plans	Approved 2012
Basildon Town Centre Masterplan	Approved 2012*
Billericay Town Centre Conservation Area Shop Front Design Guide	Approved 2014*
Essex Vehicle Parking Standards	Approved 2009*
Planning Obligations Strategy	Approved 2015*



<b>Basildon Borough Local Plan</b>	
<b>What is the scope of this document?</b>	It will establish the scale of growth the Borough needs to accommodate by 2034, together with a spatial strategy for its distribution. It will allocate sites to meet the Borough's development needs and provide detailed policies to manage development.
<b>What is its geographical extent?</b>	The whole of Basildon Borough
<b>What Document Status does it have?</b>	Document of the Development Plan
<b>Will it be prepared jointly with other authorities and will this involve a joint committee?</b>	No, but in its preparation will seek the views of Essex County Council as Education and Highways Authority and other authorities on strategic matters, in accordance with the Duty to Cooperate. It will also be built on evidence bases that have been prepared jointly with other authorities such as the Strategic Housing Market Assessment, South Essex Water Cycle Study and Strategic Flood Risk Assessment.
<b>Will it be subject to any specific testing / appraisal?</b>	Yes. Legally, it is the subject of Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitat Regulation Assessment and Service Impact Assessment.  It must also be supported by infrastructure and viability testing.
<b>Could it result in changes to the Policies Map?</b>	Yes. There could be a general update to reflect new or updated natural / built environment designations, alongside new land use allocations.
<b>What is its chain of conformity?</b>	It must conform to national planning policy.
<b>Proposed Timetable by Quarter</b>	
<b>Reg 19 – publication and consultation</b>	Q3 2017
<b>Reg 20 – representations considered</b>	Q3 2017
<b>Reg 22 – Submission</b>	Q3 2017
<b>Reg 24 – Examination</b>	Q4 2017
<b>Reg 25 – Examiners report</b>	Q1 2018
<b>Reg 26 – Adoption</b>	Q2 2018

<b>Basildon Borough Community Infrastructure Levy Charging Schedule</b>	
<b>What is the Community Infrastructure Levy (CIL)</b>	Community Infrastructure Levy (CIL) will be a charge levied on certain types of development in the Basildon Borough. It is the mechanism which the Council must use in the future to ensure new development contributes towards the funding of upgrades to local and strategic infrastructure such as education, healthcare and roads to ensure the Borough's growth is as sustainable as possible.
<b>What is the scope of this document?</b>	It will set out the CIL rates per square metre for different types of development which the Council as the "Charging Authority" will collect to fund either itself or by transfer to other organisations the provision, improvement, replacement, operation or maintenance of that infrastructure required to support development in the Borough as set out in the Local Plan. It will detail the Council's CIL governance and management arrangements and implementation in line with the CIL Regulations.
<b>What is its Geographical extent?</b>	It will apply to the Basildon Borough
<b>What Document Status does it have?</b>	It is a document of the Development Plan, but is subject to its own specific consultation and procedural requirements as set out in the CIL Regulations.
<b>Will it be prepared jointly with other authorities and will this involve a joint committee?</b>	No, but its preparation will seek the views of other authorities to account for the scale of investment needed to help fund strategic infrastructure within and beyond the Borough boundary.
<b>Will it be subject to any specific testing / appraisal?</b>	Yes, however the process is not the same as for Local Plan Documents. Instead the focus will be on how the proposed CIL charge would affect development viability. It does not require a Sustainability Appraisal or Habitat Regulation Assessment.
<b>Could it result in changes to the Policies Map?</b>	No.
<b>What is its chain of conformity?</b>	Must be consistent with the Local Plan. Must be prepared in accordance with the Planning Act 2008, CIL Regulations and any relevant Government guidance.
<b>Proposed Timetable by Quarter</b>	
<b>Reg 15 &amp; 16 – consultation and publication of Preliminary Draft Charging Schedule</b>	Q3 2017
<b>Reg 17 – representations considered</b>	Q4 2017
<b>Reg 19 – submission of Charging Schedule</b>	Q2 2018
<b>IE (Reg 20, 21 and 23) – independent examination and report</b>	Q3 2018
<b>AVL (Reg 25) – approval</b>	Q3 2018

<b>Basildon Borough Local Plan Policies Map</b>	
<b>What is the scope of this document?</b>	It will replace the Local Plan Proposals Map 1998. It will set out a Borough wide plan on an Ordnance Survey base to identify specific policies and proposals for the development or use of land as set out in the Local Plan.
<b>What is its Geographical extent?</b>	The whole of the Basildon Borough.
<b>What Document Status does it have?</b>	Document of the Development Plan and Local Plan Document
<b>Will it be prepared jointly with other authorities and will this involve a joint committee?</b>	No.
<b>Proposed Timetable</b>	
It will update the Local Plan Proposals Map 1998 and will set out the spatial extent of all allocated sites or designated areas as set out in the Local Plan. It will be adopted at the same time the Local Plan is adopted (Q2 2018).	

## Appendix 2: Risk Management

There are several factors which may impact upon the ability of the Council to keep to the timetable for the production of local plan documents. This will have implications for the Council in terms of putting in place a plan for the Borough which provides certainty to residents, businesses and other stakeholders about where development will, and will not, be directed. Without such a plan, the Council will not be able to:

- Take into account the cumulative effects of development in an area when assessing planning applications and seeking S106 contributions towards infrastructure;
- Bid effectively for infrastructure funding where the criteria are linked to growth;
- Charge a Community Infrastructure Levy;
- Have a secured housing land supply that provides certainty over the payment of New Homes Bonus and the Council Tax Base; and
- Always successfully defend appeals for development in locations which are not preferred locally. Where a plan is out of date, national policy in the National Planning Policy Framework, including the presumption in favour of sustainable development, will be applied

Additionally, the Government has confirmed that it will intervene in plan-making in areas where Council's without a post 2004 local plan have not submitted a plan for consideration by the Planning Inspectorate by early 2017. This will reduce the control the local planning authority has over such matters. They have also confirmed it will withhold New Home Bonus payments for the same reason from April 2018.

The key risks to the successful production of the local plan documents are:

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
<b>Significant public opposition to the Local Plan</b>	<b>High</b>	<p>The Local Plan will tackle contentious issues that could give rise to significant public opposition.</p> <p>Whilst every effort will be made to build cross-community consensus, there remains risks of significant public opposition to the Local Plan proposals.</p> <p>Logistically this could cause a higher volume of work in the processing and analysis of representations than accounted for in the LDS timetable, which could set it back as occurred in 2016.</p> <p>This will be kept under review and should delays be forecast as probable, the Council will review whether resources can be increased (e.g. through temporary staffing or temporary staff redeployment) to keep any delays to a minimum.</p>	<b>Medium</b>

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
<b>Legal Challenge</b>	High	<p>A legal challenge can be lodged to any Local Plan document within 6 weeks of its adoption. The degree to which this could occur is uncertain due to the relatively new Local Plan system created by changes made to the Planning Acts, by the Localism Act 2011.</p> <p>To avoid a legal challenge, every effort will be made to ensure that procedures are followed and facts are correct.</p>	Medium
<b>Inability of the Planning Inspectorate (PINS) to deliver examinations / reports to timetable</b>	High	<p>Since 2010, the Planning Inspectorate's remit has expanded and its budget cut as part of the Government's austerity measures. This has led to a number of changes in how the Inspectorate operates. There remains a risk therefore that PINS may not have the capacity to provide an Inspector at the exact time the Council would like an Examination in Public to start. Despite recent efforts to recruit additional Inspectors, there remains a risk that demand for Inspectors to serve EiPs may outstrip the supply, compounding staff shortages that have been present for some time. This is made worse by the retaining its commitment to intervene in plan-making, or impose financial penalties where they fail to submit a plan by early 2017.</p> <p>The Council will maintain an open dialogue with PINS during the preparation of the Local Plan up to Regulation 19 stage to gauge whether timescales can be met by either organisation.</p> <p>If problems occur, which are beyond the Council's control, it will have to accept some slippage to the LDS timetable and the LDS would need to be amended accordingly in line with that advice.</p>	Medium
<b>Staff turnover, staff loss, long term sickness</b>	Medium	<p>As with any organisation, from time to time staffing pressures such as sickness, maternity, paternity leave and staff loss need to be effectively managed. This will be undertaken in line with Council procedures for staff retention, as well as measures such as recruiting into vacancies as quickly as possible, using temporary staff and secondments, or Service Level Agreements with other Councils, where possible, to cover maternity/paternity leave.</p>	Low

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
<b>Financial shortfall</b>	Medium	<p>Local Plan document preparation can be expensive, particularly the preparation or commissioning of the evidence base, production of documents, thorough consultation and public examination.</p> <p>Examination costs may inflate due to the length or complexity of an examination and the hiring of expert witnesses to defend the Council's plan.</p> <p>Legal challenge could also mean further unforeseen costs are incurred such as legal fees.</p> <p>The Local Plan budget is subject to regular monitoring and profiling by Financial Services and the Team Manager – Planning Policy to ensure that any pressures are identified early and to enable unspent budget to be carried forward across financial years to ensure this LDS remains financially supported and therefore viable as a plan-making programme. The S151 officer is notified through this process should overspends be predicted in current or future years to ensure the budget remains on target.</p>	Medium
<b>Changing political priorities</b>	Medium	<p>The fifth version of the LDS was considered and adopted by Cabinet in 2015. This edition reflects minor amendments to the subsequent version and has been approved by the Cabinet Member for Planning under delegated powers. Elections in the Borough could result in political change, as could changes to the Constitution and/or there could be a change in priorities.</p> <p>The Council endorsed a new four year Corporate Plan in December 2015, therefore the risk of priorities changing should in the short term be low, however changes to the Constitution and governance of the Council bring a degree of uncertainty to whether political priorities will remain the same.</p> <p>This will be kept under review and the LDS can be amended accordingly in response.</p>	Medium