

The background of the cover features a low-angle photograph of modern architecture. On the left, a large, white, spherical sculpture with a grid of small rectangular holes is mounted on a white pedestal. To the right, a building with a curved, metallic facade and a large circular window is visible. The sky is a pale, overcast grey. A thin orange horizontal line runs across the page, separating the main text from the footer.

Basildon Borough Council

Local Development Scheme 2021 – 2023

12th Edition

Effective from 13 October 2021

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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 11th edition of the LDS for 2020-2022 that was brought into effect in September 2020.

This version was approved by the Strategic Planning and Infrastructure on 30 September 2021, and adopted by the Council under delegated authority on 13 October 2021 to come into effect on 13 October 2021.

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

- The Local Development Documents the Council intends to prepare;
- Any joint development plan document to be prepared with one or more other local planning authorities;
- The subject matter and geographical areas for each document;
- The timetable for the preparation of each document.

Progress during 11th Edition

Policy Preparation

Since the 11th edition was approved, the Council has made significant progress on the preparation of a Development Plan for its area. This has included:

- Resumption of the Local Plan Examination process in December 2020, following its suspension in June 2019 in response to an Air Quality Directive from the Department for Environment, Food & Rural Affairs (Defra).
- Working with Essex County Council (ECC) as the Highways Authority to address the requirements of the Air Quality Direction issued by Defra, and to update the transport evidence for the Local Plan in light of the air quality challenge, as well as producing an Air Quality Topic Paper.
- Completion of the Local Cycling and Walking Infrastructure Plan (LCWIP) for Basildon Borough which sets out a new, strategic approach to identify cycling and walking improvements across the borough.
- Producing a series of topic papers to set out how Basildon Council has developed the key strategy within the Revised Publication Local Plan, and to highlight the information, evidence and feedback that has informed the choices made in formulating the Local Plan policies.
- Advancing Statements of Common Ground with various stakeholders including statutory consultees, neighbouring authorities and developers, to demonstrate that the Local Plan is based on effective joint working on strategic cross-boundary matters, in accordance with the requirements of the National Planning Policy Framework (NPPF).
- Ongoing engagement with the Association of South Essex Local Authorities

(ASELA)¹ as part of existing arrangements, to address strategic cross-boundary matters including the provision of housing and infrastructure within South Essex, through the preparation of the South Essex Plan. This LDS includes an indicative programme for the preparation of the South Essex Plan.

Operational Progress

Operationally, the Council has also been making preparations for the Local Plan's statutory Examination in Public (EiP), which is currently in progress. This consists of:

- The Planning Inspectorate remains informed of progress made on outstanding matters for the Basildon Borough Local Plan Examination, to ensure the Planning Inspector can proceed towards establishing a programme for the EiP when requested;
- The Council has appointed a Programme Officer, an independent officer who will organise and manage the administrative and procedural matters of the Examination in Public.

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 Development Documents for Basildon Borough; and
- To set out a suitable timetable to prepare, or review, 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, while the Essex and Southend-On-Sea Waste Local Plan was adopted in July 2017. These documents 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

Neighbourhood Development Plans (NDPs)

The Localism Act 2011 introduced new rights and powers which allow local communities to shape how their local areas develop 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 Council's website.

¹ Comprising Basildon Borough Council, Brentwood Borough Council, Castle Point Borough Council, Rochford District Council, Southend-on-Sea Borough Council, Thurrock Council and Essex County Council.

Further information on Neighbourhood Planning in the Borough can be found at: www.basildon.gov.uk/neighbourhoodplanning

3. Monitoring and Review

The 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, at some point, trigger the need for any full or partial review of the Local Plan should its delivery be underperforming.

4. Timetable

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the stages for preparing a Local Plan. The same stages would also apply to the preparation of Joint Local Plans. 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 2010² meanwhile set out the stages for preparing a CIL Charging Schedule. These stages are:

- Regulation 15 – Consultation on a Preliminary Draft Charging Schedule
- Regulation 16 - Publication of a 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 a detailed list of the documents that the Council will be preparing.

Appendix 2 sets out a risk assessment for the preparation of the documents.

² Although CIL is currently governed by the CIL Regulations 2010 (as amended), [the Planning for the Future White Paper, August 2020](#) proposes to reform the current system of planning and Community Infrastructure Levy as a nationally set, value-based flat rate charge (the 'Infrastructure Levy').

5. Statutory Assessments

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 Development 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 are 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 Development 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)

The Equality Act 2010 provides a statutory duty on the Council to have "due regard", as part of any decision making process and before reaching a decision, to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act.

To this end, development plan documents that affect how people access services must be subject to an Equality Impact Assessment. At Basildon Borough Council, these are commonly known as Service Impact Assessments.

Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion, sex and sexual orientation.

6. Statement of Community Involvement

Section 18 (1) of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to prepare a Statement of Community Involvement (SCI).

The SCI sets out how and when anyone with an interest in planning in the borough can have their say on:

- Applications for planning permission for development;
- Planning appeals (where permission is refused by the Council, but an applicant appeals to the Secretary of State);
- Planning enforcement; and
- Planning policy documents, including Local Plans.

The SCI is a local development document which needs to be adopted by the local

planning authority under Part 2, Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). However, it is not a development plan document (setting out land use policies), and therefore its programme does not need to be specified in this LDS. The Basildon Borough Statement of Community Involvement Third Revision was adopted by the Council in October 2020 as a Local Development Document.

As with the Local Plan, the South Essex Plan must be prepared in accordance with a Statement of Community Involvement. However, as the South Essex Plan covers six local authority areas covered by seven SCIs (ECC has an SCI for Mineral and Waste Planning matters), there is the potential for inconsistencies to arise and cause challenges to effective consultation. To avoid this, a separate Joint SCI has been prepared for the South Essex Plan, covering joint plan-making activities only. The SCI Addendum was adopted by Basildon Council as a Local Development Document on 18 March 2021.

Appendix 1: The Local Development Documents

The documents that the Council will be preparing are:

- The Basildon Borough Local Plan;
- The South Essex Plan; and
- The Basildon Borough Community Infrastructure Levy Charging Schedule.

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

Basildon Borough Local Development Scheme: 2021 to 2023

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

	2021				2022				2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Local Plan				Reg 24			Reg 25	Reg 26				
South Essex Plan ³					Reg 18		Reg 19, 20	Reg 22	Reg 24	Reg 25	Reg 26	
CIL Charging Schedule ⁴							Reg 16	Reg 17	Reg 19	IE	AVL	

Local Plan and South Essex 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 PM - Amendment of the Policies Map	Reg 16 –Publication of Draft Charging Schedule Reg 17 – Representations relating to Draft Charging Schedule considered Reg 19 – Submission of Charging Schedule IE – Independent Examination (Reg 20, 21 and 23) AVL – Approval (Reg 25)

³ This is an indicative programme, until such a time that a joint timetable is prepared by the joint authorities.

⁴ Subject to the outcomes of recent planning reform proposals by the government, and any new Infrastructure Levy that may emerge from such proposals.

Basildon Borough Local Plan

Basildon Borough Local Plan	
What is the scope of this document?	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.
What is its geographical extent?	The whole of Basildon borough
What Document Status does it have?	Document of the Development Plan
Will it be prepared jointly with other authorities and will this involve a joint committee?	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 Economic Development Needs Assessment, South Essex Water Cycle Study and Strategic Flood Risk Assessment.
Will it be subject to any specific testing / appraisal?	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.
Could it result in changes to the Policies Map?	Yes. There could be a general update to reflect new or updated, natural / built environment designations, alongside new land use allocations.
What is its chain of conformity?	It must conform to national planning policy.
Proposed Timetable by Quarter	
Reg 24 – Examination	Q4 2021
Reg 25 – Examiners Report	Q3 2022
Reg 26 – Adoption	Q4 2022

South Essex Plan

South Essex Plan	
What is the scope of this document?	High level planning framework for setting out the overall spatial strategy, housing target and distribution, strategic employment areas, key transport and other infrastructure priorities and strategic Development Opportunity Areas.
What is its geographical extent?	The whole of the boroughs of Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock.
What Document Status does it have?	Document of the Development Plan
Will it be prepared jointly with other authorities and will this involve a joint committee?	Yes, it will be prepared jointly with Brentwood Borough Council, Castle Point Borough Council, Rochford District Council, Southend-on-Sea Borough Council, Thurrock Council, and Essex County council. However, there is currently no joint committee and each authority will need to approve it separately.
Will it be subject to any specific testing / appraisal?	Yes. Legally, it is the subject of Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitat Regulation Assessment and Equality Impact Assessment (locally known as Service Impact Assessment). It must also be supported by infrastructure and viability testing.
Could it result in changes to the Policies Map?	No. The Strategic Plan will only identify the broad location of Strategic Development Opportunity Areas. It will be for Local Plans (or their reviews) to make policy map changes.
What is its chain of conformity?	It must conform to national planning policy.
Proposed Timetable by Quarter	
Reg 18 – Public Consultation	Q1 2022
Reg 19 – Publication and Consultation	Q3 2022
Reg 20 – Representations	Q3 2022
Reg 22 – Submission	Q4 2022
Reg 24 – Examination	Q1 2023
Reg 25 – Examiners Report	Q2 2023
Reg 26 – Adoption	Q3 2023

CIL Charging Schedule

Basildon Borough Community Infrastructure Levy Charging Schedule	
What is the Community Infrastructure Levy (CIL)	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 will 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 sustainable.
What is the scope of this document?⁵	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.
What is its Geographical extent?	It will apply to the Basildon Borough.
What Document Status does it have?	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.
Will it be prepared jointly with other authorities and will this involve a joint committee?	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.
Will it be subject to any specific testing / appraisal?	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.
Could it result in changes to the Policies Map?	No.
What is its chain of conformity?	Must be consistent with the Local Plan. Must be prepared in accordance with the Planning Act 2008, CIL Regulations and any relevant Government guidance.
Proposed Timetable by Quarter	
Reg 16 – Publication of Draft Charging Schedule	Q3 2022
Reg 17 – Representations on Draft Charging Schedule	Q4 2022
Reg 19 – Submission of Charging Schedule	Q1 2023
IE (Reg 20, 21 and 23) – Independent Examination and Report	Q2 2023
AVL (Reg 25) – Approval	Q3 2023

⁵ The Planning for the Future White Paper, August 2020 proposes to reform the current system of planning and Community Infrastructure Levy as a nationally set, value-based flat rate charge (the 'Infrastructure Levy').

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 planning 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
- 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

In addition, the Statement of Common Ground supporting the South Essex Plan is a live document and will be updated in response to the emerging plan and cooperation between the participating Local Planning Authorities. The Statement of Common Ground can be viewed on the Council's [website](#). The Statement includes a risk register which will be maintained as a key project management tool to guide the deployment of resources and achievement of milestones for the South Essex Plan.

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

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
Significant public opposition to the Local Plan	High	<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 risk 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 and 2018).</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</p>	Medium

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
		temporary staff redeployment) to keep any delays to a minimum.	
Legal Challenge	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
Inability of the Planning Inspectorate (PINS) to deliver examinations / reports to timetable	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 undertake the procedural aspects of examining the Local Plan at the exact time the Council would prefer. 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.</p> <p>The Council will maintain an open dialogue with PINS during the Local Plan Examination to gauge whether timescales can be met by both organisations.</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
Staff turnover, staff loss, long term sickness	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 secondment opportunities, or Service Level Agreements with other Councils, where possible, to maintain staff turnover.</p>	Low
Financial shortfall	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</p>	Medium

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
		<p>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 Head of Planning to ensure that any pressures are identified early, and to enable unspent budget to be carried forward across financial years. These would ensure that 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>	
Changing political priorities	High	<p>Political priorities can be subject to change over the course of an extended programme of work, such as the Local Plan. Where changing political priorities result in significant changes to a development plan document, there could be a need for consultation to occur in accordance with the relevant legislation. This has the potential to delay the plan programme by up to a year on each occasion, due to the tasks associated with publicising consultation documents and processing consultation responses.</p>	Medium
Changes to national policy/ guidance, and ministerial statements and directions	High	<p>The Local Plan Examination has been in suspension since June 2019, following an Air Quality Directive from Defra to reduce reported exceedances along the A127. Consequently, the Council asked the Planning Inspectorate and the appointed Inspector for a suspension of the Local Plan Examination, to investigate any implications this Direction may have for the Local Plan. This has resulted in additional evidence base work being commissioned with partners, to update the Local Plan.</p> <p>Whilst an updated business case was submitted to Defra in October 2019 for the speed reduction scheme on the A127, it remains uncertain when a decision on the Air Quality Direction would be reached by Defra. The Council has however continued to keep the Inspector up-to-date with the progress made on outstanding matters for the examination, with the expectation that the Inspector will be in a position to establish a programme for the EiP on the basis of the progress made to date.</p> <p>In addition, on 6 August 2020, the</p>	Medium

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
		<p>Government published a White Paper proposing significant changes to the plan-making system in England. Whilst the White Paper includes a number of substantive measures that would overhaul the planning process, it currently remains unclear when and how the proposed changes would be implemented or any implications for the current Examination of the Local Plan.</p> <p>The Council will keep this situation under review in the development of the Local Plan, in the event any evidence or priorities change.</p>	
<p>Other unforeseeable events</p>	<p>High</p>	<p>COVID-19 has resulted in an ongoing global pandemic. The government has been clear that all members of society are required to adhere to guidance to help combat the spread of COVID-19. The guidance has implications for local authorities and local plan-making, including how the public are engaged and the ability of authorities to comply with policies set within legislation.</p> <p>The Ministry of Housing, Communities & Local Government (MHCLG) continues to review the Government's relaxation of social distancing restrictions in England and what it means for their way of working.</p>	<p>Medium</p>