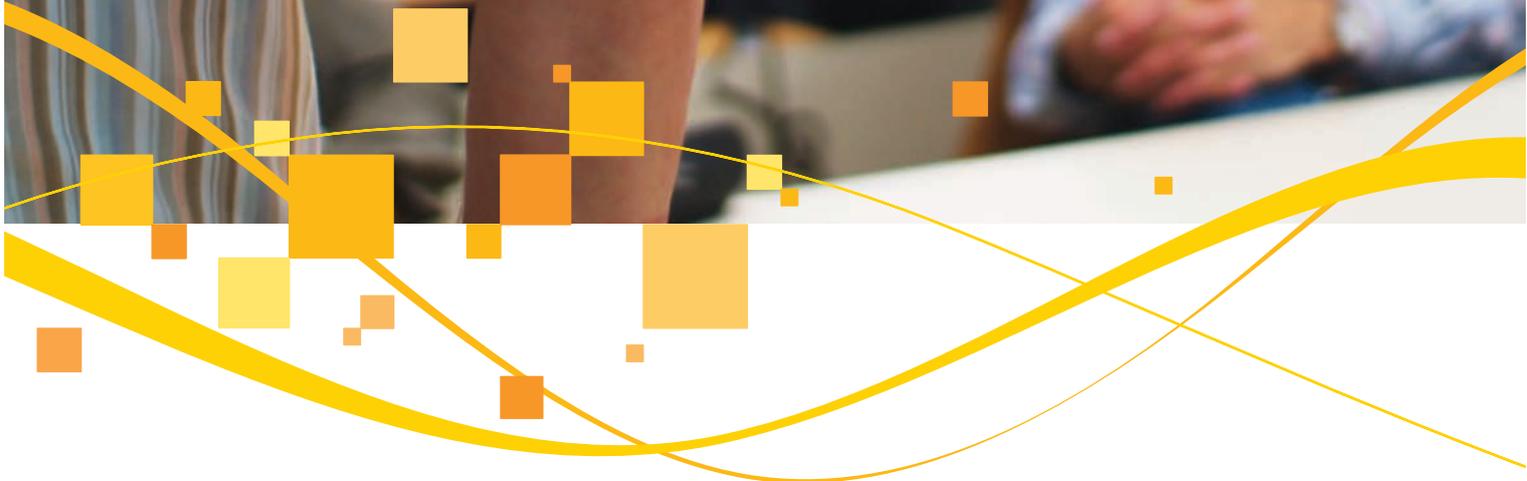


Statement of Community Involvement

How we will involve the community in planning
in Basildon District - October 2009





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Introduction

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- 1 A Statement of Community Involvement (SCI) sets out how and when anyone with an interest in planning in the district can have their say on:
 - Applications for planning permission for development (planning applications);
 - Planning appeals (when planning permission is refused and the applicant appeals to the Secretary of State),
 - Planning enforcement; and
 - Plans made by the Council for the future development and / or protection of the area (the Local Development Framework (LDF)).
- 2 The SCI formalises proposals for consulting the public on planning matters, and builds on Planning Services' existing consultation practices. The SCI includes examples and case studies of how the Council already consults and involves the public, to illustrate how the consultation guidelines set out in the SCI could be applied in practice.
- 3 If you want more information about this SCI please e-mail: ldf@basildon.gov.uk or ring the Forward Plans Team on 01268 294748.

How did we consult on the SCI?

- 4 The draft SCI was open for a 6 week consultation between May and July 2009.
- 5 All the consultees and organisations registered on the LDF mailing list (1,000+) received either a notification email or letter letting them know about the consultation. When emails could not be delivered, for example, if the consultee had changed their email address, a letter was sent to their postal address, where known.
- 6 Although the consultation was predominantly run on-line, reference copies of the draft SCI were available at the Basildon Centre, in the main libraries in the District (Basildon, Billericay, Wickford and Pitsea), in St George's Community Area Housing Offices (Basildon, Laindon and Pitsea) and in the Tenant Resource Centre, Basildon. In addition, paper copies were available from the Basildon Centre and the Forward Plans Team.

Consultation responses

- 7 Consultations on SCIs tend to have low response rates. Having said that, 24 people/organisations responded, making 224 comments.

Method of response:

- 4 consultation forms (paper)
- 5 emails
- 15 online via consultation portal

Comments were received from:(in no particular order):

Regional/National Organisations

- East of England Development Agency (EEDA)
- Sport England (East Region)
- Highways Agency
- The Theatres Trust
- Coal Authority ⁽¹⁾
- Friends, Families and Travellers

Local people/organisations

- 10 members of the public
 - Billericay Town Council
 - Ramsden Crays Parish Council
 - Essex County Council - Heritage & Conservation Dept
 - Castle Point Borough Council
 - Basildon & Thurrock University Hospital
 - Moat Housing (a Registered Social Landlord with properties in the District)
 - Billericay and District Residents' Association (BDRA)
 - Campaign to Protect Rural England (CPRE) (Basildon)
- 8** The comments received and the Council's response to them are detailed in the Statement of Consultation, which is available separately.

¹ The Council is required to consult with the Coal Authority under regulation 2 (1) Town and Country Planning (Local Development) (England) Regulations 2004, as amended in 2008 & 2009

Want to know more about planning?

Planning Portal

- 9 The Planning Portal is a one-stop-shop for planning and building services online:
- 10 The Planning Portal is the UK Government's online planning and building regulations resource for England and Wales. Using this site you can learn about planning and building regulations, apply for planning permission, find out about development near you, appeal against a decision and research into government policy.
- 11 The Planning portal can be found at: www.planningportal.gov.uk

Urban Forum - The Handy Guide to Planning

- 12 The national charity Urban Forum has produced a handy guide to England's planning system, produced with assistance from Planning Aid.
- 13 This guide has been written for individuals, community and voluntary organisations with limited experience of the planning process but who would like to get involved. It gives an overview of the planning system and helpful tips on how to get more involved and influence decision-making at both regional and local level. It can be downloaded for free from: www.urbanforum.org.uk/handy-guides

33 Corsham Street, London, N1 6DR

Tel: 020 7253 4816

Detailed information on the planning system

- 14 Detailed information on the planning system is available from:
 - **Department of Communities and Local Government** at www.communities.gov.uk

Eland House, Bressenden Place, London, SW1E 5DU
Tel: 020 7944 4400
 - **Planning Inspectorate** at www.planning-inspectorate.gov.uk

Customer Support, Room 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Tel: 0117 372 6372
 - **Government Office for the East of England** (GO-East) <http://www.gos.gov.uk/goeast/>

Eastbrook, Shaftesbury Road, Cambridge, CB2 8DF
Tel: 01223 372500

- **Natural England** - protection of landscapes, habitats, sites and species, natural environment, green infrastructure, climate change etc. - www.naturalengland.org.uk

Enquiries, Natural England, Northminster House, Peterborough PE1 1UA

Tel: 0845 600 3078

- **English Heritage** - Listed Buildings, Conservation Areas, archaeology, etc. www.english-heritage.org.uk

East of England Regional Office: Brooklands, 24 Brooklands Avenue, Cambridge, CB2 8BU

General Enquiries Tel: 0870 333 1181

- **Environment Agency** - Development and flood risk, land contamination, etc. www.environment-agency.gov.uk

National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY

08708 506 506

Planning Aid

- 15** Planning Aid provides free, independent and professional town planning advice and support to communities and individuals who cannot afford to pay planning consultant fees. It complements the work of local planning authorities, but is wholly independent of them.
- 16** The Town and Country Planning Association started Planning Aid in 1973. From the beginning, it has been engaging communities in the planning process. Planning Aid is working to further widen engagement in the planning process and to give an equal voice to all those involved in planning.
- 17** Planning Aid is about more than giving advice. It aims to engage communities positively in the planning process to help them manage changes to their neighbourhood.
- 18** Planning Aid can help people to:
- Understand and use the planning system
 - Participate in preparing plans
 - Prepare their own plans for the future of their community
 - Comment on planning applications
 - Apply for planning permission or appeal against refusal of permission
 - Represent themselves at public inquiries.
- 19** Planning Aid offers two main services:
- Free and independent casework advice from a qualified planner;
 - Community Planning activities (training, information and facilitation for groups about how planning may be affecting your community).
- 20** In each region Planning Aid has a Caseworker (who is fully qualified to give independent advice and who will sometimes hand cases over to a volunteer) and a Community Planner who works alongside communities in helping to plan their neighbourhood. To help with the Casework and Community Planning activities, Planning Aid has a network of qualified and experienced volunteers.

Planning Aid Web site: www.planningaid.rtpi.org.uk

East of England Planning Aid Office

1st Floor, 38 Cambridge Place, Cambridge, CB2 1NS

Tel: 01223 351597

E-mail: eeadmin@planningaid.rtpi.org.uk

National Planning Aid contact details:

6th Floor Newwater House, 11 Newhall Street, Birmingham, B3 3NY

Tel: 0121 214 2900

Email: info@planningaid.rtpi.org.uk

RCCE - Rural Community Council for Essex

- 21** RCCE (www.essexrcc.org.uk) is an independent charity helping people and communities throughout rural Essex build a sustainable future. The RCCE supports parish councils and community groups in the production of Community Led Plans, such as Parish Plans (or Town Plans) and Village Design Statements . Community-led Plans:
- Are produced by the community at a very local level, thereby representing the parish as a whole;
 - Enable local community groups to become actively involved in the decision making process affecting the future of their parish;
 - The process of producing a community-led plan establishes local needs and aspirations, highlights issues and priorities, and develops a vision for the future of the community.

EERA - East of England Regional Assembly

- 22** EERA (www.eera.gov.uk) is a partnership body bringing together elected Councillors from across the Region with representatives from the private, voluntary and community sectors.
- 23** One of EERA's responsibilities is to prepare the Regional Spatial Strategy (RSS), known in this region as the East of England Plan. This sets out planning policies which address the needs of the region and for key sub-regions up to 2021. For example, the RSS sets how much housing each district and borough in the region must provide.
- 24** All Local Development Frameworks in the region have to conform with the East of England Plan. This ensures that regional planning policies are implemented at the local level.
- 25** EERA will continue its responsibilities for regional planning, transport and housing until March 2010. After that time, a new Local Authorities Leaders Board and the Regional Development Agency will have joint responsibility for developing a Single Regional Strategy for the East of England.

EEDA - East of England Development Agency

- 26** EEDA (www.eeda.org.uk) has three key roles:
- setting and shaping the direction of economic development in the East of England;
 - persuading and influencing others to bring resources together to find innovative ways to solve challenging economic issues;
 - investing in imaginative projects that will have a significant impact on economic development in the East of England.

- 27** One of EEDA's projects is The Regional Infrastructure Programme, which identifies the projects that will have the greatest positive economic impact. EEDA has a strategic and coordination role, identifying priorities and making recommendations.

Other sources of information

- 28** Some voluntary groups with an interest in planning issues, such as CPRE and Friends of the Earth, also provide information on their websites about the planning system.

Please Note:

The organisations' names and contact details given here were correct at the time of publication.

Basildon District Council cannot be responsible for the content of external internet sites, or for advice given by external organisations.

Consultation on Planning Applications

Council's approach on pre-application advice and discussions

- 29** Pre-application discussions are encouraged as an important part of the planning process that can assist the positive outcome of an application.
- 30** The extent of pre-application advice offered is determined on a case-by-case basis, as requests range from advice on householder applications to very tentative speculative development and discussions with large organisations on major schemes. Unlike some other Local Authorities, Basildon Council does not charge for pre-application advice. In general, the method of communication and the extent to which the authority will assist will be comparable with the information supplied and the scale, technical requirements or uniqueness of the proposal. All correspondence will be dealt with in accordance with the Council's standards.
- 31** The Council needs to prioritise advice around available resources, reasonably focusing on what meets the Council's objectives for the District. This means that the Council's focus is on major applications where the involvement of other departments and external bodies is necessary to enable a more holistic approach to development management. In pursuing this approach, there is a requirement that applicants and their agents engage positively and provide supporting information and site analysis to demonstrate a full understanding of the site constraints and contexts in advance of discussions, and that this is shared with the Council.
- 32** Consultation with the wider community, stakeholders and residents prior to submission of an application is encouraged in the planning system, but the onus is on the prospective applicant or their agent to undertake this. If the Local Planning Authority were to take on this role, it would raise expectations that development is to take place when this might not necessarily be the case.
- 33** Any advice given during pre-application discussions will be in accordance with the Council's policies and objectives, in addition to other relevant material considerations. Pre-application advice is offered on the understanding that such advice will not be binding on the Council; any resultant planning application will be considered on its merits.
- 34** Information that is freely available from existing sources, such as planning policy statements and the local policies that are available on the Council's web site, will be presumed to be available to planning agents.

Informing people about planning applications

- 35** This section indicates how the Council, as the Local Planning Authority, will inform people about applications that are submitted for determination. This will address who can comment on applications, how comments can be made and a statement of the ways in which various types of planning applications will be advertised to the public.

What we already do: Example 1**PublicAccess for Planning**

PublicAccess for Planning is our online internet service that allows you to view details of all the planning applications received by the Council. The planning application details contained within the site are updated on a continuous basis.

PublicAccess allows you to:

- Follow the progress of an application
- View associated plans and documents, including officer's report and decision notice
- Make comments on an application
- Search a weekly list of applications and decisions
- See if appeals have been lodged and any decisions made
- See recent planning history and property details, including maps and constraints
- Search enforcement cases

PublicAccess can be found at:

planning.basildon.gov.uk/PublicAccess/default.aspx

Who May Comment on a Planning Application

36 Anyone may comment on a planning application.

How you can comment on a planning application

37 Comments on planning applications must be made in writing within 3 weeks of the notification being sent. Any comments received after this date may not be taken into account when considering the application.

38 Comments can be made by:

- Writing to the planning department at The Basildon Centre
- By email to planning@basildon.gov.uk
- By entering comments on-line via PublicAccess (www.planning.basildon.gov.uk/PublicAccess/default.aspx) using the 'submit comments' link on the application details screen

39 Comments made on a planning application are a matter of public record and are available to anyone who wishes to view them. Comments received that are expressed as confidential cannot be taken into consideration when determining an application and will not be made available for viewing. In making comments the Council therefore advises that you should only provide personal information that you are happy to be publicly available.

- 40** The Council can only take note of comments relating to relevant **planning** issues. These include, amongst other things:
- The height of a proposed building or extension and whether it would unacceptably overshadow or overlook neighbouring property;
 - Potential for increases in noise, disturbance, traffic levels resulting from a new building or change of use of an existing building or land;
 - Possible conflict with national or local planning policies for the area;
 - The appearance of proposed building and whether or not it would look out of character with neighbouring buildings.
- 41** The following concerns are not considered valid reasons for objecting to a planning application:
- Moral objections to a development;
 - Perceived effect of a development on house or property prices;
 - Market objections (i.e. protecting the business interests of one individual against the activities of another);
 - Race or religion.
- 42** Anyone who comments on an application and gives a complete postal or email address for written correspondence shall be notified of the decision when it is made.
- 43** Petitions will be considered by the Council on the matters raised within them. Generally, individual signatories will not be contacted regarding the application but the author of the petition, where this is clearly stated, will be.

How the Council will treat objections and supports

- 44** The impact of development on the existing environment is better understood when consideration is given to the views of residents, occupiers and users of a location. While the Council must primarily consider the adopted regional and local planning policies and any material considerations, the Council gives due regard to any comments received.
- 45** There are circumstances where the Council may decide to place little weight on comments received - where it is difficult to consider them fully in the context of the application. As an example, the comments of a next door neighbour will probably carry more weight than the views of someone living a mile away, and it follows that the views of 'persons unknown' (anonymously made comments) will carry even less weight. The consideration given to any comments will also depend on the 'quality' of the comment (see paragraph 40 for examples), whether it is a comment on a policy issue such as development in the Green Belt, or observation of events e.g. traffic movements, or noise emissions from a site.
- All comments relating to planning matters will be noted within the application and addressed in the Officer's Report.
 - The Officer's Report is available to the decision maker at the time of determination. ⁽²⁾
 - The Council will consider all material considerations and will not consider immaterial considerations.
 - Comments made on a planning application are a matter of public record and are available to anyone who wishes to view them.
 - Communication will not generally be entered into with objectors or supporters of an application.

2 Depending on the level of delegation, this may include Members of the Development Control and Traffic Management Committee, the Head of Planning Services, the Manger of Development Control or Principal Planning Officers.

How we will advertise an application

- 46** The procedures given below should be considered as a minimum level of communication that will be undertaken by the Council. Notification on a wider scale may be undertaken for any particular application as the Council sees fit. In addition, the Council will enact any changes to legislation that impact upon the procedures stated here.
- 47** There are several different types of application that are determined by the Council. For this Statement of Community Involvement these have been grouped in accordance with the levels of consultation that they require, as follows:
- A. For all Applications
 - B. Planning Applications for the Development of Buildings or Land; Change of Use Applications; Advertising; Outline Applications and; Approval of Reserved Matters
 - C. Listed Buildings & Conservations Areas
 - D. Lawful Development Certificates (existing and proposed)
 - E. Telecommunications
 - F. Amendments to Applications

A. For All Applications

- 48** Acknowledgement of receipt of an application will be made to the agent, or the applicant if there is no agent, within three working days of registration ⁽³⁾ and will state:
- Whether the application is valid and, if so,
 - The deadline for determination of the application as given by the relevant legislation. This is either 8 weeks, 13 weeks or 16 weeks depending on the nature of the application and whether an Environmental Impact Assessment is required.
- 49** The applicant may choose whether to receive the acknowledgement by post or email.
- 50** The application shall be entered into a register of applications received, ⁽⁴⁾ which is updated weekly. This is available from:
- The Basildon Centre, St Martin's Square, Basildon SS14 1DL
 - Published on the Council's web site, via PublicAccess, at:
http://planning.basildon.gov.uk/PublicAccess/tdc/DcApplication/weeklylist_searchform.aspx
- 51** The application forms, plans, design and access statements and relevant supporting documents will be made available via the Council's PublicAccess web site, except where these are confidential or cause technical problems (e.g. document file sizes are too large; drawings are not clear when scanned). The Council endeavours to publish as much information as possible through PublicAccess, but reserves the right not to publish all documents or remove documents without notification.
- 52** Some applications are resubmissions of previous applications, ⁽⁵⁾ generally following a refusal of planning permission. Where a resubmission is identified the Council will notify all individuals that commented on the previous application.

3 In accordance with the Town & Country Planning (General Development Procedure) Order 1995

4 In accordance with section 69 of Town & Country Planning Act 1990

5 A resubmission is a second application that is substantially similar to a previous submission and submitted within 12 months of the decision of the earlier application. Where a second application does not meet this criteria it may not be identified as being linked to a previous application for the purposes of notifications.

B. Planning Applications for the Development of Buildings or Land; Change of Use Applications; Advertising; Outline Applications and; Approval of Reserved Matters

53 Applications of these types are split into two categories, 'minor' and 'major' development, with 'major' sub-divided into smallscale and largescale major. This is done for monitoring purposes, but the way in which the Council will advertise an application is comparable to this coding. The table below indicates when an application is major or minor.

Table 1 Categories of Major and Minor Development

DWELLINGS			ALL OTHER USES		
Minor	Smallscale Major	Largescale Major	Minor	Smallscale Major	Largescale Major
1 -9	10 - 199	200 or more	Less than 1,000 sq metres	1,000 sq metres and 9,999 sq metres	More than 10,000 sq metres
Less than 0.5 ha	0.5 ha and less than 4 ha		Less than 1ha	1ha and less than 2ha	More than 2 ha

Source: Communities and Local Government February 2008

Minor Development

54 The majority of applications received by the Council are householder developments (e.g. extensions to dwellings) and 'minor' applications. As indicated above, minor applications are calculated by either the number of dwellings being provided, the floorspace being created/alterd, or the area of land identified as the application site.

55 Many of these applications have only local impact and the extent of dedicated consultation reflects this. For householder and minor applications the following advertisement will be undertaken:

- Neighbouring properties ⁽⁶⁾ shall be notified by post, and/or by the erection of a site notice ⁽⁷⁾ and three weeks shall be given to comment on any planning matters raised.
- The choice between a site notice or postal notifications is dependent on the nature of the application and is made by a planning officer. There is a preference for postal notifications in order to target those likely to be affected by the development.
- Properties opposite the application site, which are often separated by a road, are notified where the development's potential impacts are considered to be of interest to those properties / occupiers. The reason for the occupiers opposite not being automatically notified is due partly to the legislation and partly the likelihood of impact on those occupiers.

6 'Neighbours' are occupiers (including businesses) whose property immediately adjoins the application site. Only those addresses that are in the Council's database shall be notified.

7 Any site notice(s) shall be erected as close as practical to the application site.

Major Developments

- 56** A major development (smallscale major and largescale major) will generally have more impact on its surrounding environment and therefore wider consultation is appropriate. For such applications the Council will consult as indicated above for minor applications, plus:
- A site notice will be erected. ⁽⁸⁾ For larger sites several notices may be erected on appropriate pedestrian routes.
 - The application will be advertised in a local newspaper.
 - Neighbour notifications shall be made to all properties considered to be directly affected by the development, based on the scale, position and immediate impact of the proposal.
 - Applications of special interest are additionally displayed in the 'Special Interest' section of PublicAccess, to enable quicker and easier searching for such applications.
www.planning.basildon.gov.uk/PublicAccess/tdc/tdc_home.aspx

C. Listed Buildings and Conservation Areas

- 57** Due to the sensitive nature of Listed Buildings and Conservation Areas, the Council has a duty to consult on a wider basis than for similar applications in other parts of the District. The Council will consult as indicated under 'B. Planning Applications for the Development of Buildings or Land etc', plus:
- A site notice will be erected.
 - The application will be advertised in a local newspaper.

D. Lawful Development Certificates (existing and proposed)

- 58** Lawful Development Certificates (LDCs) are a method of establishing the lawfulness of a development or use and do not involve consideration of the planning merits of an application. An LDC can only confirm whether the development or use is lawful, that is, either permitted development ⁽⁹⁾ or immune from enforcement action due to the time that the use or structure has existed. ⁽¹⁰⁾
- 59** For LDC applications for existing development, notifications shall only be made where comments from neighbouring occupiers or visitors would assist in establishing the validity of the application. Where this is considered necessary, notifications shall be made as indicated under 'Planning Applications for the Development of Buildings or Land etc'. with additional notifications as appropriate to the development or use being established. This is a judgement made by a planning officer, in consultation with the Chairman of DCTM, on the need for further information to corroborate the evidence submitted by the applicant.
- 60** For LDCs for proposed development, no notifications are generally undertaken as the matter is entirely to confirm whether the proposal is within the terms of the appropriate legislation, as evidenced by the application.

E. Telecommunications

- 61** Telecommunication development falls into one of three categories:

(a) Permitted development ⁽¹¹⁾

The Council is not obliged to be informed of applications that are permitted development but it will normally receive notification of the installation of mobile phone antennas. These will not be the subject of consultation.

8 Any site notice(s) shall be erected as close as practical to the application site.

9 As defined by the Town & Country Planning (General Permitted Development) Order 1995 (as amended).

10 Provided enforcement action was able to be taken during this time

11 As defined by the Town & Country Planning (General Permitted Development) Order 1995 (as amended).

- (b) Permitted development that requires 'prior approval'
- (c) Development that requires an application for planning permission

Those applications that require planning permission or follow the 'prior approval' procedure will involve neighbour notification and other publicity, depending upon the scale and location of the proposal. This ensures that "*people likely to be affected by the proposed development can make their views known to the authority,*" in accordance with the Code of Best Practice on Mobile Phone Network Development (ODPM, 2002).

- 62 A list of all permitted development notifications and applications received for most development is maintained at the Council offices and can be viewed on request.

F. Amendments to applications

- 63 There is scope for applications to be amended by the applicant on request to the local planning authority, both during the application process or following a decision.
- 64 All non-material amendments do not, by definition, alter the merits of the application and therefore an applicant is not required to notify the authority. In practice the authority is made aware of most amendments to avoid enforcement investigations. However, the planning authority will not consult on non-material amendments.
- 65 Material alterations to pending applications will be accepted provided this will not delay a decision being made within the target timescale for the application.
- 66 Where a material amendment is accepted, people are notified of the amended description and notifications will be sent to all those initially notified and any interested parties.
- 67 Material alterations to determined applications will require a new application and consultations will be carried out as identified for the application type.

Consultations

- 68 The Council has a number of statutory consultees⁽¹²⁾ that it is obliged to notify for certain applications (for example Sport England, The Theatres Trust and the Highways Authority) in order for them to comment upon it. In addition, there are many other groups and bodies that the Council will inform of particular applications in order for their professional or particular expertise to be considered. For some applications none will apply, for others there can be a large number of departments, organisations and interest groups that are informed.
- 69 In all cases where notifications are made, the Council will:
 - State the application number, development description and address.
 - State the deadline by which comments should be received by the Council.
 - State how the application may be viewed.

12 As identified in the Town and Country Planning (General Development Procedures) Order 1995 (SI 1995/419, paragraph 10)

Decisions

How will decisions be taken?

- 70** Decisions on planning applications are taken by officers or elected members of the Council depending on the type of application being considered. There are three avenues for a decision to be made:

By a Delegated Officer

- 71** Delegated decisions can be taken by an agreed delegated officer ⁽¹³⁾ following a report and recommendation by a planning officer.

By the Chairman of the Development Control and Traffic Management (DCTM) Committee

- 72** For non-delegated decisions a report and recommendation will be made to the Chairman of the Planning Committee. The Chairman will have the option to either:

- Agree with the recommendation or;
- Submit the application to the DCTM Committee for a decision.

By the Development Control and Traffic Management Committee

- 73** For applications determined by the DCTM Committee, a meeting in public will generally be held. The Members will be informed of the application by:

- A report and recommendation set out in the DTCM agenda, which will be available in advance of the meeting. ⁽¹⁴⁾
- Access to the application file and all correspondence received in relation to it.
- A presentation of the application and the matters for consideration.
- A discussion by Committee Members with advice available from appropriate officers of the Council.
- Matters raised by members of the public. ⁽¹⁵⁾

- 74** Applications may be taken to the DCTM Committee for many reasons, including public interest, uniqueness, scale, to establish the view of the Committee Members or to ensure transparency.

- 75** Where an application will be determined by the DCTM Committee, the Council will inform all those that commented on the application of the date, time and location of the meeting two weeks beforehand.

- 76** For further information, Appendix 8 contains the current "scheme of delegation" ⁽¹⁶⁾ which sets out when each of the above may occur.

13 Depending on the level of delegation, this may be the Head of Planning Services or the Manger of Development Control

14 The Council will make the agenda available on its web site within 5 clear working days of the meeting, plus the posting day, plus the committee day.

15 The opportunity to speak at the committee is generally dependent upon contacting a member of the committee prior to the meeting and agreement from the committee for opinions to be heard. Details of how to do this are set out in the correspondence notifying interested parties about a committee meeting. Comments on planning applications made verbally at DCTM meetings by interested parties are summarised in the DCTM minutes.

16 The Council's Constitution "The Way We Work", Basildon District Council, July 2009 (Part 3, schedule 2, pages 75-79). The contents of the Constitution are subject to change. The SCI reflects the version as of July 2009.

How Will People be Informed of a Decision

- 77** Irrespective of the method by which a decision is made, notifying all those interested is a crucial aspect of the process. We endeavour to inform the agent (or applicant) and those that commented on an application as soon as practical following determination. All of the following will be conducted for each application:
- The agent (or applicant where there is no agent) will be sent the decision notice by post on the day of issue or the first working day following date of issue. This will include:
 - The formal decision of the Council
 - Any conditions imposed on the decision and the reasons for them
 - Details of how to appeal against the decision or against any conditions imposed
 - The decision will be entered on the PublicAccess section of the Council's planning web site on the day following issue of the decision.
 - The Decision Notice, which includes conditions and/or reasons for refusal, will be made available on the Council's PublicAccess web site, under the associated documents for each application. Decision Notices will be made available within 5 days of the decision being issued.
 - All those who contacted the authority and gave a full postal or email address for written correspondence shall be notified of the decision when it is issued. These notification letters/emails will not include the conditions attached to a decision or the reasons for refusal/approval. This is to ensure the speedy dispatch of notification letters. The full details are publicly available on PublicAccess and at the Basildon Centre.
 - All decisions are entered onto a register of applications that have been determined, ⁽¹⁷⁾ which is updated weekly. This is available from:
 - The Basildon Centre
 - Published on the Council's web site, via PublicAccess, available at: http://planning.basildon.gov.uk/PublicAccess/tdc/DcApplication/weeklylist_searchform.aspx
 - A particular decision can be communicated over the phone by contacting Planning Administration on 01268 294155.
- 78** For Committee decisions, the minutes of the meeting will be available on the Council's web site within 5 working days of the decision.

Appeals

- 79** An agent or applicant aggrieved by the Council's decision may appeal to the Secretary of State for Communities and Local Government, via an application submitted to the Planning Inspectorate. An appeal is essentially considered afresh by the Inspectorate, relying on all information that was available to the Council. The main reasons for an appeal are:
- Against refusal;
 - Against a condition imposed on an approval;
 - Against non-determination of an application.
- 80** Where an appeal is made, the Council will follow the legislation on appeal procedures. The relevant ward Members will be notified. Where the notification of contributors is required, the Council will inform them, by letter or email depending upon the contact details provided, of:
- The reason for the appeal;
 - The reasons for refusal or conditions being contested;

17 In accordance with section 69 of Town & Country Planning Act 1990.

- That the original comments will be taken into consideration;
- How they may make further representations to the Planning Inspectorate and the deadline for comments to be received.

Council's approach to community involvement in planning obligations

- 81** Agreements in respect of Section 106 of the Town and Country Planning Act are important in providing mitigation for the ill-effects a scheme might otherwise have. By necessity, there is an element of negotiation that has to take place, but all negotiations are in accordance with the rules set out by central Government⁽¹⁸⁾ to ensure that legal agreements are used correctly.
- 82** The ability to engage more fully is, however, limited. Nevertheless, through the pre-application and application process, the applicant is encouraged to engage with partners to deliver benefits in accordance with the objectives and priorities of the Council.

Public Involvement in Planning Enforcement

Types of complaint that can be investigated

83 The Council can take enforcement action against development that does not have the necessary planning, or other permission, where it is expedient and in the public interest. In broad terms the types of complaint which can be investigated by the Planning Enforcement Team relate to:

- Unauthorised building works;
- Unauthorised change of use;
- Unauthorised works to listed buildings;
- Unauthorised advertisement displays;
- Unauthorised works to trees in a Conservation Area or protected by a Tree Preservation Order;
- Failure to comply with a planning condition or similar limitation;
- Untidy land.

Your involvement in planning enforcement

84 Your help is vital to the success of our planning enforcement service. Our planning enforcement officers investigate reported breaches of planning control. They rely on the public, as well as Parish and District Councillors, to be the local eyes and ears in the community.

85 Everyone who lives and works in the District can play a role in planning enforcement. You are in a unique position to know the daily activities in your area, and let our enforcement team know about any suspected breaches of planning control.

86 When reporting a suspected breach of planning control please give us as much information as you can (e.g. the exact address or location, when activities started, names, addresses and telephone numbers of owners and occupiers or other persons responsible if known). This helps us respond quickly and effectively.

Will my complaint be confidential?

87 Yes, your personal details will remain confidential and will not be given to the person or company you have complained about.

88 In certain serious cases when we take enforcement or legal action, we may ask you to help us by providing evidence at an appeal or in court. Before this happens, the officer you have been dealing with will ask if you're happy to do this.

Keeping you informed

89 A letter of acknowledgement will be sent out by post within three working days of the receipt of a complaint.

90 Both the complainant and the contravener will, as appropriate, be kept informed about the progress of the investigation into the complaint. On completion of the investigation the parties involved will, as necessary, be informed of the outcomes and, if any is required, what action will be taken to remedy any breach of planning control identified.

How long will it take to deal with the complaint?

91 Complaints will normally be dealt with in accordance with their urgency. Priority will be usually given to those complaints concerning development in the Green Belt, Tree Preservation Orders and Listed Buildings.

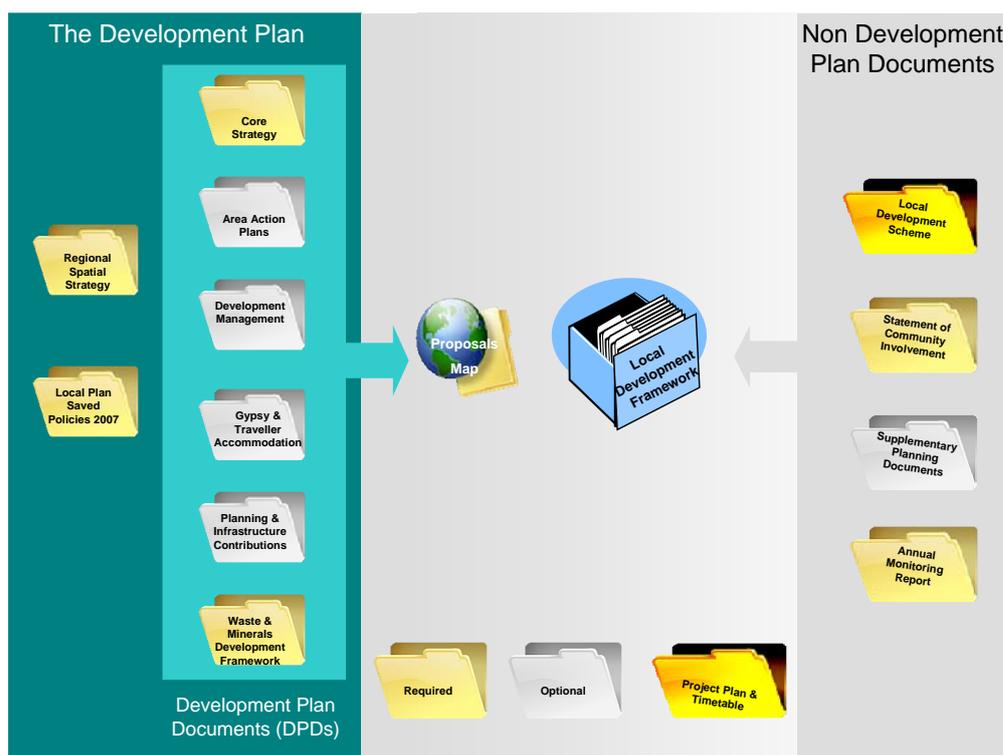
- 92 Our enforcement team aim to process most complaints within 12 weeks. However, some complaints cannot be dealt with in this timescale. For example, a complaint might involve complicated discussions with a developer. If formal action is taken, enforcement notices cannot come into force until at least 28 days after they have been served; any appeal against a notice will obviously delay the process.

How we will consult on Local Development Framework Documents

Introduction

- 93** Councils have the responsibility for making plans for the future of their areas. These plans can cover:
- The need for new housing and employment premises;
 - Protection of open land between towns/ villages;
 - Protection of the natural and historic environment; and provision of new facilities and of infrastructure (e.g. roads, sewers, schools, health care facilities and green spaces).
- 94** The plans are now called Local Development Frameworks (LDFs) (formerly they were known as Local Plans). The terms associated with LDFs can be confusing (and a list of abbreviations is included at Appendix 1).

Local Development Framework



The planning documents we intend to produce

- 95** Councils have to produce a project plan, setting out which Local Development Documents (LDDs) and Development Plan Documents (DPDs) it will produce. This is called a Local Development Scheme (LDS).
- 96** Basildon District Council has an adopted LDS but intends to revise it (which will need Government Approval). When it has been revised it will be available on the Council's website at www.basildon.gov.uk, at the Basildon Centre, or by telephoning 01268 294748 to request a copy.

- 97** The Council intends to produce these planning documents:
1. A Core Strategy DPD for the area, including land allocations and an infrastructure plan;
 2. A DPD on policies for controlling and managing development;
 3. A DPD on planning contributions to provide new infrastructure and facilities;
 4. A DPD on policy and provision for Gypsies and Travellers; and
 5. An Area Action Plan (AAP) for the regeneration and renewal of Basildon Town Centre
- 98** The Council will produce a Proposals Map to illustrate where planning policies apply to different areas.
- 99** The Council can also produce Supplementary Planning Documents (SPDs) to elaborate on policies contained in (i) to (v) above, but these do not need to be included in the LDS.

Who can be involved?

- 100** Anyone can be involved in the Council's consultations during the preparation of the LDDs (i) to (v) above and any SPDs produced that will form the LDF. Those involved can include:
- Local residents;
 - Businesses in the District and people who work here;
 - Local groups including residents associations and voluntary and church groups;
 - Organisations (e.g. Campaign to Protect Rural England, sports and golf clubs, design statement groups, etc);
 - Developers and landowners who may put forward developments; and
 - Various government and other agencies (e.g. Essex County Council, parish councils, the Environment Agency, Secretary of State for Transport, Essex Police, utility companies, train operators, Basildon & Thurrock University Hospitals NHS Foundation Trust, etc).

How people can be involved

- 101** Planning regulations set out minimum requirements for consultation, including requirements to consult the public, local groups and businesses, as well as specific organisations ⁽¹⁹⁾ (e.g. the Primary Care Trust, Natural England, water companies and adjacent councils).
- 102** The Council has to meet these minimum requirements, and expects to exceed them.
- 103** There are a variety of ways that people and organisations / groups can be consulted. A list at Appendix 2 shows some that the Council may use. Some methods will be more appropriate than others, depending on who is to be involved and the type of consultation (e.g. a community planning consultation may be more appropriate for specific regeneration or development proposals for a specific, localised area). Some cost more than others. The Council needs to bear in mind how achievable and realistic the type of consultation is, given limits of available resources. The scale of consultation is likely to vary with the type of DPD.
- 104** Some people and groups are more knowledgeable about planning and are more used to making their voice heard than others. Others are known as 'hard to reach' groups, or those whose voice is 'seldom heard'. For example:
- Children and Young people
 - Older people
 - Disabled people
 - Black and ethnic minority people
 - Gypsies and Travellers

¹⁹ Appendix 3 details the specific and general consultation bodies as described by the Regulations.

- 105** When making policies for their areas the Council will make efforts to encourage those who are seldom heard to make their views known. Young people are one such group. They may have a different perspective on life, for example they may not be able to travel far to do things, being too young to drive, or there may be little for them to do locally. Such groups may require specific consultation efforts to reach them and get their views.

What we already do: Example 2

Online consultations

The Planning Services has an online Consultation Portal, <http://basildon-consult.limehouse.co.uk/portal> to enable consultees and agents to participate in LDF consultations quickly and easily online.

Benefits of online consultation include:

- Instant notification of new consultations;
- Instant acknowledgement of receipt of comments;
- Saving time by viewing and commenting on documents online;
- Update your contact details instantly (such as change of address);
- Environmental – electronic systems save paper;

LDF mailing list

People interested in the LDF can register on the LDF mailing list, which is part of the Consultation Portal. Once on the LDF mailing list we can notify you of relevant LDF consultations.

So far over 1,200 individuals and organisations have registered. ⁽²⁰⁾

To register, log onto the Consultation Portal at <http://basildon-consult.limehouse.co.uk> and complete your contact details. Alternatively write to, email, or phone Forward Plans with your contact details and we can add you to the mailing list. When registering you have the choice of being notified about consultations by letter or email.

Consultations in other formats

To ensure that those without computer access can get involved, our consultations are also available on paper. On request, consultations can also be provided in large print, Braille and other languages.

Informing people about consultations

For previous LDF consultations we have:

- Published adverts in local papers at the start of the consultation, and sometimes part way through as well, as a reminder of the consultation's closing date
- Issued Press releases
- Put up posters in Council buildings, libraries and sports centres
- Sent letters/emails to those on the LDF mailing list

Consultation case studies

Case Study 1: Open Space Strategy – a varied approach

Citizens Panel

- A postal survey was sent to the Citizens Panel ⁽²¹⁾ in 2008. This asked about people's experiences of using open spaces in the District and what their priorities for improvements were. 341 responses were received.

2009 Open Space Survey

- An on-line survey was held in Spring 2009, using the Planning Service consultation portal. This asked local people about their experiences of using open space and what their priorities for open space improvements are.
- Local residents on the LDF mailing list received email notification of the survey. In just the first 3 days of the consultation, 140 on-line surveys were completed.
- In addition, copies of the survey were sent to those residents on the mailing list who prefer post to email.
- The consultation was advertised in the local press, press releases were issued encouraging people to have their say, and posters were put up in Council buildings across the District. Paper copies of the survey form were also available.
- In the Easter holidays 2009, during the "Play in the Park" events at Lake Meadows Billericay and Wickford Memorial Park, over 100 survey forms were filled in by young people and parents visiting the parks.
- Over all, the consultation resulted in over 630 completed survey forms, of which half were submitted on-line.

Filling in the gaps

- In 2008 and 2009 focus groups ⁽²²⁾ with the Basildon District Forums for the Elderly and Disabled People, and the Basildon District Youth Council were held to explore issues with, and experiences of using, open spaces in the District. The focus groups were used to find out the views of specific parts of the local population, who had not responded in large numbers to the Citizens Panel questionnaire or the later the public survey. This will ensure that local views are taken into account when the Open Space Strategy is prepared.

21 The Citizen's Panel has approximately 1,100 recruited members that are representative of the District's population. The Panel participates in a minimum of three surveys each year, plus any additional surveys or in depth focus groups as needed.

22 A small group selected from a wider population and surveyed by open discussion, for its members' opinions about a particular subject or area.

Case Study 2: Core Strategy / Sustainable Community Strategy – a joint consultation

- In June 2007 the Council's Planning Service and the Corporate Services Improvement Team ran a joint Citizens' Panel Survey for the Local Development Framework and the Sustainable Community Strategy.
- This joint approach enabled the two departments to share costs and reduce the number of consultations being sent out by combining their two sets of questions into one survey. This approach did, however, make the survey longer than was usual for Citizen Panel surveys.
- The survey itself was piloted with a Citizens' Panel focus group to ensure that it was easy to understand. This resulted in a number of changes being made to the questionnaire before it was sent out to the whole panel.
- 381 questionnaires were returned (30% response rate), which is a good response rate for a survey of this length.

Engagement with Delivery Stakeholders

- 106** The aim of stakeholder consultation is to obtain expert input to the technical work and studies that are needed (and required) to support the LDF, and expert opinion on proposals and options for future development. It is sensible to consult stakeholders on all this before engaging in wider public consultation. Just as it is sensible to ascertain how viable and achievable developers' proposals for the future are.
- 107** PPS12 ⁽²³⁾ states that local authorities should undertake timely, effective and conclusive discussion with key stakeholders on what option(s) for a Core Strategy, or other DPD, can be delivered.
- 108** In the same way, key stakeholders should engage in timely and effective discussions with local planning authorities on the deliverability of LDFs.
- 109** So it is essential that stakeholders who are key to a DPD's delivery are engaged early in its production. Such early engagement may enable potential impediments to the DPD to be identified and overcome. There is no point in proceeding with options for a DPD which cannot be delivered, for example, as a result of failure to obtain the agreement of key delivery agencies.
- 110** Stakeholders also need to be engaged earlier to avoid late and unexpected representations emerging at the end of the process which might render a DPD unsound and lead to lengthy delays in achieving a robust planning framework for the area. PPS12 encourages local authorities to seek out major landowners and developers and engage them fully in the generation and consideration of options. During the process of producing a DPD, and with public consultation on it, some of these options may fall by the wayside. Many may not make it into the final DPD.
- 111** The relevant delivery agencies include:
- Regulatory agencies: The Environment Agency, English Heritage, Natural England.
 - Physical infrastructure delivery agencies: highways authority, Highways Agency, utilities companies, Network Rail, public transport providers, airport operators.

- Social infrastructure delivery agencies: local authority education dept, social services, primary care trust, acute hospital trusts, strategic health authority, the Police, charities/NGOs.
- Major landowners – including the local authority itself and government departments and agencies.
- House builders, the Homes and Communities Agency and other developers.
- Minerals and waste management industries.

What we already do: Example 3

Call for Sites

In preparation for the Core Strategy, the Council has held two "Call for Sites", inviting landowners and developers to suggest sites that they feel are suitable for development. These have generated 400 site suggestions.

Agents' LDF mailing list

The LDF mailing list has a separate section for agents, which has over 150 agents registered.
(24)

Delivery stakeholders

The LDF mailing list includes the relevant delivery agencies.

Agents' Forum

Local planning agents are invited to regular meetings hosted by the Council's Planning Service, to receive updates on development control and the LDF. The agents have the opportunity to discuss any planning issues of interest.

Consultation on Development Plan Documents

112 The Council will meet or exceed the statutory requirements for consultation.

113 In preparing DPDs there are two distinct phases, and these require differing approaches to consultation and participation.

(a) Preparation and technical studies

This involves research, gathering statistics and other evidence, assessing possible future needs and requirements, and seeing what may be needed, what might be viable and what could be delivered. It involves looking into issues and at options for resolving problems and meeting needs.

This phase requires consultation with stakeholders, agencies and technical experts (see above section on Engagement with Delivery Stakeholders) to gather information and to see what could be realistic. It involves technical work, e.g. on capacity of water supply, sewers, transport, the environment, and modelling of what may be needed to meet future demands.

The results of this research lead to the next stage of DPD preparation - i.e. the results of technical studies go on to inform draft DPDs which the public are then consulted upon.

(b) Issues, Options and Preferred Options / Formal Draft Stages of a DPD

Once enough information has been assembled, the public will be consulted on realistic and meaningful options for dealing with issues (and to make sure that issues have not been missed).

The Core Strategy DPD, due to its significance, requires a separate Issues and Options public consultation, before a Preferred Options Consultation stage. Other DPDs may not.

Sustainability Appraisals / Strategic Environmental Assessments will be open to public consultation at this point. Other background studies that support the draft DPD being consulted on, will also be published.

114 For public consultations we will expect to provide:

1. Information about the DPD on our website, through the media, at local libraries and directly via email or letter if you are a statutory body or are registered on our LDF consultation database.
2. An opportunity to comment on the DPD via the website and electronic surveys. Paper surveys/ reply slips will be available from our Council offices, local housing offices and main libraries. Comments can also be made via letter and email.
3. An opportunity for those people who traditionally are less involved to have their say.

115 Later on, before a DPD is "Examined" and "Adopted", the public will be consulted on a further other formal stage of a DPD: "Publication." This stage is the publication of a DPD which the Council intends to submit to the Secretary of State, in a form which it considers to be sound.

Reporting the results of consultations

116 All views made on consultation documents are carefully considered. However, when coming to a decision, a balance has to be made between the representations received, which may conflict with each other, as well as with national and regional planning requirements. Publishing statements / reports of consultations is an important part of the consultation process. It demonstrates the breadth of comments received and how the main issues raised have been addressed.

117 For the statutory stages of **DPD** preparation, the Council will produce statements of consultation.

- 118** When the Council publishes the DPD it intends to submit to the Secretary of State (for Examination in Public by an independent Inspector), it will also publish a Consultation Statement setting out:
- Who was invited to be involved in the plan preparation;
 - How they were invited to be involved;
 - A summary of the main issues raised and how they have been addressed.
- 119** Later, when the DPD is submitted to the Secretary of State, it will be accompanied by a Consultation Statement setting out:
- The number of representations made on the proposed submission DPD;
 - Summary of the main issues raised; or
 - That no representations were made (if this is the case).
- 120** These consultation statements will be published on the Council's website and will be available at the Basildon Centre for inspection. They will also be available in the libraries in the District, as long as they can hold the statements.
- 121** Before Council approval of the **SCI**, the Council prepared a Consultation Statement setting out a summary of the main issues raised during the consultation and how these main issues have been addressed in the SCI.

What we already do: Example 4

- Consultations are reported in the **Annual Monitoring Report (AMR)** which is published on the Council's website each December.
- The **results of consultations**, such as the Call for Sites, are published on the Council's website and are available for inspection at the Basildon Centre.

Consultation on Supplementary Planning Documents

- 122** At the time of writing, the Council is not proposing to produce any SPDs. However, if Supplementary Planning Documents (SPD) were to be produced in the future, the principles outlined in paragraphs 112-115 would be followed. The exact nature of consultations would depend on what the SPD covered.
- 123** If an SPD were prepared, a Consultation Statement would be prepared, prior to the SPD being adopted. This would set out a summary of the main issues raised during consultation on the SPD and how these main issues have been addressed in the SPD the Council intends to adopt.

The role of others in producing any SPDs

- 124** Planning at town or parish levels can bring wide benefits to the communities involved.
- 125** Where communities (or developers) wish to use the statutory planning process (i.e. SPDs) as part of this approach, they should work with the Local Planning Authority from the outset. PPS 12 ⁽²⁵⁾ states that developers and communities should not expect to prepare plans independently from the LPA and then have them adopted as SPD.
- 126** Parishes and urban communities should not however regard the statutory planning approach as the only option open to them: other forms of community planning may be more appropriate, such as parish and community plans.

Learning from previous consultations

- 127** Previous LDF consultations have included questions on the format and readability of documents and questionnaires. Where improvements have been suggested, they have been taken into account in later consultations.
- 128** In August 2008 the Council consulted the District's minority groups to find out how these 'hard to reach' groups would prefer to be consulted. The headline results (top 4 answers) are given here. We will use these results, along with other sources of information, such as Citizens' Panel surveys and the lessons learnt from previous BDC consultations, in organising future consultations.

Table 2 Headline results

How would you like to be informed/notified about any consultation events, which are taking place?	<ol style="list-style-type: none"> 1. Through local newspapers 2. By post 3. By email 4. By posters displayed locally
How would you like to be consulted?	<ol style="list-style-type: none"> 1. Postal questionnaire 2. Online questionnaire 3. Focus group 4. Local newspaper
In which format(s) would you like to see the results?	<ol style="list-style-type: none"> 1. In a letter 2. In a Council Newsletter 3. In a presentation 4. Online
How would you like the results to be delivered?	<ol style="list-style-type: none"> 1. By post 2. By email 3. Via the internet 4. =Local Newspaper =By telephone

- 129** In addition, 6 out of 10 groups said that they would like to hear about the results of consultations, even if they did not participate themselves.
- 130** The results of the survey on how groups wish to be informed and consulted supports the choice of methods that Planning Services have used previously to inform and consult on planning issues.
- 131** The full results for these questions are given in Appendix 4.

Reviewing the Statement of Community Involvement

- 132** The Council intends to build upon its existing and successful consultation practices.
- 133** We want consultation processes to be simple to follow and use. We aim to carry them out in a fair, open and efficient way.
- 134** Therefore, we will monitor the success of the methods we use for involvement and feedback at the various consultation stages for LDF documents. We will do this when we prepare the consultation statements for each DPD we submit to the Secretary of State.
- 135** This Statement of Community Involvement will be updated as necessary in the future.

Appendix 1 - Glossary & Abbreviations

AAP	Area Action Plan	These are intended to provide the planning framework for areas of significant change.
AMR	Annual Monitoring Report	This measures plan progress compared with the targets/milestones set out in the LDS, and assesses the effectiveness of LDDs, once they are adopted.
	Citizens' Panel	The Citizens' Panel has approximately 1,100 recruited members that are representative of the District's population. The Panel participates in a minimum of 3 surveys each year, plus any additional surveys or in depth focus groups as needed.
	Comprehensive development	Comprehensive Development policies identify particular complex sites and set out the manner in which they will be brought forward for development. Comprehensive development usually results in the complete redevelopment of an area.
	Development management	Development control and management is the process through which the local planning authority determines whether applications for consent should be granted (often subject to conditions or a legal agreement) or refused; also involves the planning enforcement function and giving of advice on planning matters. Consideration of these matters must be done by taking into account the development plan and any other material considerations.
DPD	Development Plan Document	These are part of the statutory development Plan and set out the planning policy directing the future development of the District.
	Focus Group	A small group selected from a wider population and surveyed by open discussion, for its members' opinions about a particular subject or area.
GTAA	Gypsy & Traveller Accommodation Assessment	The assessment of Gypsy and Traveller accommodation need is a statutory requirement under s.225 of the Housing Act 2004. This assessment is carried out to inform future Gypsy and Traveller accommodation strategies.
LDF	Local Development Framework	A portfolio of local development documents which set out different types of planning policy applicable in an area. Replaces Local Plans.
LDD	Local Development Document	Local Development Documents comprise: <ul style="list-style-type: none"> • Development Plan Documents

		<ul style="list-style-type: none"> • Supplementary Planning Documents • Statement of Community Involvement
LDS	Local Development Plan Scheme	This is essentially a programme for the preparation of LDDs.
LPA	Local Planning Authority	<p>The local authority responsible for planning matters in its area.</p> <p>Essex County Council and Basildon District Council are both Local Planning Authorities for different planning matters in Basildon District.</p>
LSP	Local Strategic Partnership	Cross-agency, umbrella partnerships, incorporating members from the public, private, community and voluntary sectors that work effectively together to deal with problems and make improvements, specific to the local area.
P&CPA	Planning & Compulsory Purchase Act 2004	The Act that introduced the LDF system.
PPS PPG	Planning Policy Statement Planning Policy Guidance note	Government guidance on planning policy issues. There are 25 PPGs on different planning topics. PPGs are being replaced by Planning Policy Statements (PPS) under the new planning system.
Regs	<p>Regulations:</p> <ul style="list-style-type: none"> • Town and Country Planning (Local Development) (England) Regulations 2004 (2004 No. 2204) – 28/9/04 • Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (2008 No.1371) – 27/6/08 • Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 (2009 No. 401) – 6/4/09 	These provide detail on the procedures that the Council has to following preparing the LDF. The flow from the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008.
RPB	Regional Planning Body	The Regional organisation that prepares the RSS (see below).
RSS	Regional Spatial Strategy (East of England Plan)	Contains strategic planning policies and a key diagram for the whole of the region. The RSS covers Essex and the rest of the East of England.
SA	Sustainability Appraisal	All DPDs will be subject to Sustainability Appraisal. The Appraisal process is designed to inform decision making by providing information on the social, economic and environmental implications of policies and proposals. SA and SEA are integral aspects of LDF production.

SCI	Statement of Community Involvement	The purpose of this document is to set out the various ways in which the District's residents and any other people having an interest in the planning of the District, will be consulted/ engaged in the process of considering Local Development Documents and planning applications.
SCS	Sustainable Community Strategy 2008-2033	Is a long-term strategy to promote the environmental, social and economic well-being of the District. It's strategic objectives are: <ol style="list-style-type: none"> 1. Developing a Prosperous Economy 2. Promoting Community Safety 3. Providing Homes for the Future 4. Maintaining a Clean & Sustainable Environment 5. Improving Health & Well-being 6. Raising Educational Achievement 7. Promoting Inclusive Communities 8. Develop an effective transport system
SEA	Strategic Environmental Assessment	The European SEA Directive requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. Local authorities are advised to take an integrated approach towards Sustainability Appraisal and Strategic Environmental Assessment to avoid unnecessary duplication and confusion. Together they will play an important part in testing the soundness of local development documents, ensuring that they contribute towards achieving sustainable development.
SPD SPG	Supplementary Planning Document Supplementary Planning Guidance	SPDs can be prepared by local authorities to provide additional guidance to elaborate upon the policies of a development plan document. They are not subject to independent examination. SPDs included in the LDF will be material considerations which have significant weight in the process of making decisions on planning applications.
TDS VDS	Town Design Statement Village Design Statement	Is a published document that gives a detailed guide to the character of a town/village. It sets out the specific nature of the buildings and landscape which make the town/village distinctive, with recommendations on how to encourage new development that enhances and complements what already exists. A key feature of a TDS/VDS is the the involvement of the community in its production, in partnership with experts in a range of disciplines.

Appendix 2 - A selection of consultation methods

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
Desk research / other documentary sources of information e.g. from national surveys relevant to the area; bringing together surveys/ data collected for other purposes.	<ul style="list-style-type: none"> Low cost It may be the only feasible alternative in difficult or specialist areas 	<ul style="list-style-type: none"> Can be time consuming Have to accept what exists rather than what is needed; It may not be exactly the right information. If based on research nationally or elsewhere may not exactly match local position 	I
Letter	<ul style="list-style-type: none"> Direct Personal 	<ul style="list-style-type: none"> Labour intensive, high cost 	I, C, F
Internet/website	<ul style="list-style-type: none"> Accessible 24/7 Convenient Allows provision of information and discussion as well as collection of views. Extensive documentation can be made available on the Web without large printing costs, and allowing selective access 	<ul style="list-style-type: none"> Limited number of people have access, e.g. to Internet Impersonal For surveys it may be hard to verify accuracy of respondent details (so may get some multiple replies, replies from outside the area etc) Specialist help usually required in designing web pages, discussion forums and possibly analysing responses Initial infrastructure costs 	I, C, F
Media - Newspaper article/press release	<ul style="list-style-type: none"> Wide reaching; high profile Specialist press can be used to target particular groups, such as certain parts of the business community, or those hard to reach through other means. Low cost 	<ul style="list-style-type: none"> No editorial control Take up varies 	I
Media – advert/notice	<ul style="list-style-type: none"> Wide reaching 	<ul style="list-style-type: none"> High Cost 	I
Leaflets/Brochures	<ul style="list-style-type: none"> Targeted, feedback 	<ul style="list-style-type: none"> Size limited, high cost 	I, C
Public exhibitions/ displays/ road shows*	<ul style="list-style-type: none"> Locally targeted Direct interaction Both give and receive information. Information can be given in a range of ways (words, pictures/ graphs/ diagrams, models, etc. and can provide for first hand experience). Drop-in facility means it can be convenient for more people The principles will be familiar to most people 	<ul style="list-style-type: none"> Unrepresentative Localised May not promote full consultation Labour intensive to prepare and man; high cost 	I, C
Written consultation/ referenda/ community surveys	<ul style="list-style-type: none"> Covers issues Specific and quantifiable Useful where questions and issues understood 	<ul style="list-style-type: none"> Doesn't allow for two way dialogue; no chance for discussion so not useful in areas where respondents are likely to be not well informed 	C

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
	<ul style="list-style-type: none"> • May be easier to reach people geographically dispersed. If sending to larger numbers of people is more inclusive and seen to be consulting people • Respondent has more time to consider answers 	<ul style="list-style-type: none"> • Questions have to be meaningful, understandable and useful; Survey structure can determine responses. • May be unrepresentative depending who decides to respond. • Need statistically robust selection; Analysis can be extremely time consuming • Cost – including information and publicity costs 	
Citizens Panel	<ul style="list-style-type: none"> • Already established • Wide coverage • Representative sample of the District's population 	<ul style="list-style-type: none"> • Response rates vary • Questionnaires may disadvantage those who have difficulty with the reading or the language used • People on the panel become more knowledgeable than the general public over time, and therefore less representative • May not generate wider involvement • High Cost 	C
Public meetings*	<ul style="list-style-type: none"> • Informs • Promotes debate • Gives a large number of people, with open invitation, the chance to have their say 	<ul style="list-style-type: none"> • Suited to vocal public • Could be confrontational • Cost • Labour intensive 	C, P
Focus Groups*	<ul style="list-style-type: none"> • Suited to group working • Good for issues where need in-depth qualitative view. • Useful to generate questions for quantitative analysis or analyse and explain after quantitative survey. • Can be used to assess reaction to proposed changes. • Avoids just hearing the 'loudest voices'. May be used to focus on sections of the community commonly excluded. • Group discussion allows ideas to be built on, and directions taken not initially thought of, rather than follow single individual's view or preset questions 	<ul style="list-style-type: none"> • Small representation • High Cost 	C, P
Pre existing panels/ area forums, including the Local Strategic Partnership	<ul style="list-style-type: none"> • Already established • Good for reaching people in their own areas and addressing specific local concerns. • Regular updates 	<ul style="list-style-type: none"> • May not generate wider involvement • Suited to vocal public • Unlikely to be representative; could end up being dominated by a small clique • Cost; Labour intensive 	C, P

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
Workshops - including engagement with 11-18 age group through school	<ul style="list-style-type: none"> Suited to small groups Discussion of issues 	<ul style="list-style-type: none"> Small samples, possible bias 	C, P
Drop in surgery or meeting	<ul style="list-style-type: none"> Direct, personal 	<ul style="list-style-type: none"> Labour intensive Small representation Needs resourcing 	C, P
Steering/Advisory Group/ Service User Group	<ul style="list-style-type: none"> Community steer Suited to specific topics; enables in put from stakeholders Council can design the group to meet its needs A chance to discuss the issues with the people who know. Can help generate new ideas and provide early warning of problems 	<ul style="list-style-type: none"> Potential exclusivity; Unlikely to be representative High Cost; Labour intensive May be difficult to recruit people to a Council panel 	C, P
Speaking at Council committee meetings	<ul style="list-style-type: none"> Best suited to specific issues such as planning applications Allows direct, systematic dialogue between Councillors and community interests Low cost and gives the public the chance to get involved, have their say or raise questions should they want to 	<ul style="list-style-type: none"> Not available for all meetings Suited to vocal public; Could be confrontational Small representation Unlikely to be representative on wider issues 	P
Planning for Real/ Concept Statements / Community planning events - Models, site visits, photos and other illustrations are used interactively, to allow the public to influence planning, development and environmental decisions.	<ul style="list-style-type: none"> Allows communication in a medium most people can work with, not requiring high literacy. People can see the results of different options. People involved in the decision making, making use of local knowledge, helping generate options, not just consulted on them. Allows people to raise problems in a non-confrontational way. Particularly appropriate for physical / geographical issues. 	<ul style="list-style-type: none"> People need to attend to be involved so may exclude some and not be totally representative Labour intensive; expensive, especially preparation costs for Planning for Real models. 	C, P

* Arranged mainly in evenings or weekends where necessary so that people who work during the day can attend.

Appendix 3 - Specific and General Consultation Bodies

Specific consultation bodies

136 The specific consultation bodies are listed in the 'The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended)' and relate to organisations responsible for services and utilities and infrastructure provision.

137 These are a list of specific bodies **that must be consulted** by the Council when preparing DPDs in which they may have an interest. The specific consultation bodies are:

- The Coal Authority
- The Environment Agency
- English Heritage
- Natural England
- The Secretary of State for Transport (for highway & railway issues only)
 - Highways Agency (for some types of highway)
- East of England Regional Development Agency (EEDA)
- East of England Regional Assembly (EERA) (the regional planning body)
- A relevant authority, any part of whose area is in or adjoins the area of the local council, such as:
 - a district or borough council
 - Chelmsford Borough Council
 - Brentwood District Council
 - Castle Point Borough Council
 - Rochford District Council
 - Thurrock Borough Council
 - Thurrock Thames Gateway Development Corporation
 - a parish council
 - Billericay Town Council
 - Great Burstead & South Green Village Council
 - Little Burstead Parish Council
 - Noak Bridge Parish Council
 - Ramsden Bellhouse Parish Council
 - Ramsden Crays Parish Council
 - Shotgate Parish Council
 - Mountnessing Parish Council
 - Rawreth Parish Council
 - Rayleigh Town Council
 - Rettendon & Battlesbridge Parish Council
 - Runwell Parish Council
 - West Horndon Parish Council
 - Ingatestone & Fryerning Parish Council
 - Herongate & Ingrave Parish Council
 - Stock Parish Council
 - South Hanningfield Parish Council
- Essex County Council
- Essex Police
- any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3)(a) of the Communications Act 2003

- Mobile Operator's Association on behalf of the mobile phone companies
- any person who owns or controls electronic communications apparatus situated in any part of the area of the council
 - Mobile Operator's Association (on behalf of the companies with electronic communications apparatus in the District - Orange, O2, Vodaphone, T-Mobile, Huchison 3G)
 - Essex Fire & Rescue Service
 - East of England Ambulance Service
- any of the bodies from the following list who are exercising functions in any part of the area of the council:
 - South West Essex Primary Care Trust (the local PCT);
 - Person to whom a licence has been granted under Section 6(1)(b) or (c) of the Electricity Act 1989
 - National Grid Electricity Transmission plc
 - EDF Energy
 - Person to whom a licence has been granted under Section 7(2) of the Gas Act 1986
 - National Grid Gas plc
 - Anglian Water (sewage undertaker)
 - Essex & Suffolk Water (water undertaker)
 - The Homes & Communities Agency

General consultation bodies

138 The general consultation bodies are also listed in the regulations. The regulations identify five types of bodies as general consultation bodies that relate to voluntary organisations representing certain groups within the community.

139 The general consultation bodies are:

- Voluntary bodies some or all of whose activities benefit any part of the council's area (e.g residents' associations, community groups, wildlife & environmental groups, etc)
- Bodies which represent the interests of
 - Different ethnic or national groups in the council's area
 - Different religious groups in the council's area
 - Disabled people in the council's area
 - People carrying on business in the council's area.

140 The exact organisations that fall into these types will vary locally. When preparing the development plan document, the council will consult those general consultation bodies it considers appropriate.

Other consultation bodies

141 The key principle is that the council should carry out public participation that is appropriate for the development plan document being produced. Depending on the plan being produced, it may be appropriate to consult other agencies and organisations, such as Basildon & Thurrock University Hospitals NHS Foundation Trust, in addition to those identified as specific or general consultation bodies.

Appendix 4 - Results of the August 2008 Consultation and Engagement Survey

In August 2008 the Council asked the groups involved in the Minority Forum how they would like to be consulted. The Minority Forum covers the six equality strands of age, race, disability, gender, faith and sexuality.

These are the results that relate to how these community groups want to be informed, consulted, and fed back to.

More than one answer could be given for each question, which is why the percentage does not add up to 100%. Each question had an "other" option, which was not selected by any of the respondees and so is not reproduced here.

How would you like to be informed/notified about any consultation events, which are taking place?	
Through local newspapers	50%
By post	40%
By email	40%
By posters displayed locally	20%
Through Council newsletters	15%
Through local radio	15%
By telephone	10%
Through a Community Leader/Manager	10%
By internet	5%
Through work	5%
Through television	0%

How would you like to be consulted?	
Postal questionnaire	45%
Online questionnaire	30%
Focus group	25%
Local newspaper	25%
Voting on specific issues	15%
Small-scale community events e.g. Village Fete / Parish cluster meetings	15%
Large-scale community events e.g. Bas Fest	10%
Representative panels	10%
Telephone questionnaire	10%
Local radio	5%
Television	0%

In which format(s) would you like to see the results?	
In a letter	50%
In a Council Newsletter	40%
In a presentation	10%
Online	10%
In a report	5%
By telephone	5%
Email	5%

How would you like the results to be delivered?	
By post	60%
By email	45%
Via the internet	10%
Local Newspaper	5%
By telephone	5%

Appendix 5 - Development Plan Documents - public participation

The following appendices provide detailed information on the different stages in LDF document preparation, in particular focusing on the minimum consultation requirements, as set out in the Town and Country Planning Local Development Regulations. ⁽²⁶⁾

Public participation in the preparation of a Development Plan Document (DPD)

The LDF system encourages ongoing engagement with stakeholders and the community.

Under the Regulation 25, when preparing a DPD:

- The Council will notify the specific consultation bodies that may have an interest in the subject of the DPD, and any of the general consultation bodies that the Council considers appropriate, of the subject of the proposed DPD and invite each of them to make representations about what the DPD ought to contain.
- The Council will consider whether it is appropriate to invite representations from residents and businesses in the District. If so, it must make appropriate consultation arrangements.
- The Council will take into account any of the representations made in response to these consultations.

Publication of a DPD

Following the preparation of the DPD, Regulation 27 requires the Council to publish the proposed submission DPD and invite comments on it for six weeks before it is submitted to the Secretary of State for examination.

The **Proposed Submission Documents** (Reg 24) are:

- The DPD (as proposed to be submitted);
- The changes to the proposals map (if the adoption of the DPD would result in changes to the map);
- The Sustainability Appraisal Report;
- Consultation Statement;
- Any other supporting documents relevant to the preparation of the DPD.

The **Consultation Statement** sets out:

- Who was invited to be involved in the plan preparation (at Reg 25);
- How they were invited to be involved in the plan preparation;
- A summary of the main issues raised and how they have been addressed.

The **Statement of the Representations Procedure** (Reg 24) specifies:

- Title of the DPD
- The subject matter of, and area covered by, the DPD
- The period within which representations must be made
- The address where representations must be sent
- That representations may be made in writing or electronically
- That representations may be accompanied by a request to be notified of the DPD's submission, the publication of the Inspector's Report and the DPD's adoption

As this is a statutory stage of engagement the following formal arrangements will apply:

26 Town and Country Planning (Local Development) (England) Regulations 2004 (Statutory Instrument 2004 No. 2204). Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (SI 2008 No. 1371) and 2009 (SI 2009 No. 401).

The Council will:

- Publish the proposed submission documents (Reg 24);
- Publish a statement of the representations procedure (Reg 24).

Make a copy of each of the proposed submission documents and the statement of the representations procedure available during normal office hours at:

- The principal Council offices (The Basildon Centre);
- Other places within the District considered appropriate;

Publish on the Council's website:

- The proposed submission documents;
- The statement of the representations procedure;
- A statement advertising the documents' availability and setting out where and when the proposed submission documents are available for inspection;

Send each of the specific consultation bodies invited to make representations on the plan:

- A copy of each of the proposed submission documents;
- A statement of the representations procedure;

Send each of the general consultation bodies invited to make representations on the plan:

- A statement of the representations procedure;
- A statement advertising the documents' availability and setting out where and when the proposed submission documents are available for inspection;

Publish in local papers:

- A statement of the representations procedure;
- A statement advertising the documents' availability and setting out where and when the proposed submission documents are available for inspection.

Any person may make representations about a proposed submission DPD. Anyone wishing to make a representation on the proposed submission DPD must:

- Do so within the consultation period;
- Send the representations to the address given in the Statement of Representations Procedure (Reg 28).

Following the consultation on the proposed submission DPD

The Council will read and consider all the representations received during the consultation and if necessary, propose 'focused' changes to the DPD.

If the Council decides to make a focused change it will:

- a) Prepare an addendum to the proposed submission DPD setting out the proposed change(s);
- b) Conduct a sustainability appraisal of the implications; and
- c) Consult the community and stakeholders on the addendum for a minimum period of six weeks.

At the close of this consultation the Council will submit the proposed submission DPD, the first representations, the addendum and the responses to the addendum to the Secretary of State.

If the Council does not make any changes, then it will submit the proposed submission DPD, the sustainability appraisal, the representations made on the proposed submission DPD and any other supporting documents to the Secretary of State.

Submission

When the Council submits a DPD to the Secretary of State (Reg 30), the submission documents will include:

- the DPD;
- the Sustainability Appraisal Report for the DPD;
- a submission proposals map, if the adoption of the DPD would result in changes to the adopted proposals map.
- Regulation 25 Consultation Statement (DPD preparation phase) setting out:
 - Who was invited to be involved in the plan preparation;
 - How they were invited to be involved in the plan preparation;
 - A summary of the main issues raised, and
 - How they have been taken into account.
- Regulation 28 Consultation Statement (proposed submission DPD) setting out:
 - The number of representations made;
 - Summary of the main issues raised; or
 - That no representations were made.
- Copies of the representations made on the proposed submission DPD:
 - If changes were made to the proposed submission DPD following the consultation:
 - The addendum setting out the proposed changes;
 - The sustainability appraisal of the changes;
 - The consultation responses to the addendum of changes.
- Relevant supporting documents.

These submission documents will be made available during normal office hours at the places at which the proposed submission documents were made available.

Publish on the Council's website:

- The DPD,
- proposals map,
- Regulation 25 Consultation Statement,
- Regulation 28 Consultation Statement,

- Copies of the Reg 28 representations and the supporting documents, if it is practical to do so,
- A statement that a copy of the DPD and the submission documents are available for inspection and the places and times at which they can be inspected.

The specific consultation bodies will be sent:

- The DPD,
- Proposals map,
- Regulation 25 Consultation Statement,
- Regulation 28 Consultation Statement,
- Any of the supporting documents relevant to that organisation,
- A statement that a copy of the DPD and the submission documents are available for inspection and the places and times at which they can be inspected.

The general consultation bodies will be sent:

- A statement that a copy of the DPD and the submission documents are available for inspection and the places and times at which they can be inspected.

Give notice by local advertisement:

- The title of the DPD,
- The subject matter of, and area covered by, the DPD,
- A statement that a copy of the DPD and the submission documents are available for inspection and the places and times at which they can be inspected.

Notify all those who requested to be notified of the submission.

Examination

An Examination of the DPD will be carried out by an independent Planning Inspector to test its soundness, taking into account the representations that have been received (Reg 31). Those who make representations may be invited by the Inspector to attend the parts of the Examination held in public.

Six weeks before the opening of the Examination, the Council will notify all those who made representations to the proposed submission (and have not withdrawn them), publish on its website, and give notice by local advertisement (Reg 34):

- the time and place where the Examination will be held
- The name of the Inspector appointed to carry out the Examination

After the Examination, the Inspector will write a report on the DPD detailing his/her recommendations and the reasons for those recommendations.

The Inspector can find the DPD 'unsound', 'sound' or that it could be made 'sound' if specific changes are made. The Inspector's recommendations will be binding on the Council.

Once a DPD receives a 'sound' rating from the Inspector, only then can the Council adopt ⁽²⁷⁾ the DPD as part of its statutory Local Development Framework.

Inspector's Report

As soon as possible after Adoption, the Inspector's Report will be published (Reg 35):

27 Adoption is by resolution of the authority s. 23 (5) Planning & Compulsory Purchase Act 2004

- It will be available for inspection during normal office hours at the places at which the proposed submission documents were made available,
- It will be published on the Council's website;
- People who asked to be notified of its publication will be informed.

Adoption

A DPD must be adopted by resolution of the Council. **(28)**

Once the DPD has been adopted (Reg 36):

- The newly adopted DPD, the adoption statement and the sustainability appraisal report will be made available for inspection during normal office hours at the places at which the proposed submission documents were made available.
- The DPD and its adoption statement will be published on the Council's website;
- People who asked to be notified of the DPD's Adoption will be sent the adoption statement;
- The DPD and its adoption statement will be sent to the Secretary of State; and
- A notice of the adoption statement, and where and at what times the DPD can be inspected, will be published in local papers.

The adoption statement specifies:

- The date on which the DPD was adopted
- That any person aggrieved by the DPD may make an application to the High Court under section 113 of the Planning & Compulsory Purchase Act 2004
- The grounds on which such an application may be made
- The time within which such an application may be made. This is not later than the end of the period of six weeks starting with the date it was adopted (s113 (11)(c)).

Appendix 6- Supplementary Planning Documents (SPD) - public participation

A planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its DPDs. SPDs should not be prepared with the aim of avoiding the need for the examination of policy, which should be examined. ⁽²⁹⁾

SPD Minimum Consultation requirements

The Town and Country Planning Local Development Regulations ⁽³⁰⁾⁽³¹⁾ set out the minimum requirements for consultation on Supplementary Planning Documents (SPD).

Community participation

SPD documents

- SPD
- Consultation statement
- Relevant supporting documents

Consultation Statement

- The names of any persons/organisations that the Council consulted in connection with the preparation of the SPD
- How those persons/organisations were consulted
- A summary of the main issues raised in those consultations
- How those issues have been addressed in the SPD

Statement/Notice of SPD matters

- Title of the SPD
- Subject matter of, and area covered by, the SPD
- The period within which representations about the SPD must be made
- The address where the representations must be sent
- A statement that any representations may be accompanied by a request to be notified at a specified address of the adoption of the SPD.

Before the Council can adopt an SPD it must (Reg 17):

Make copies of the SPD documents and a statement of the SPD matters available for inspection during normal office hours at:

- The Council's principal office (The Basildon Centre);
- At other such places within the District that the Council considers appropriate.

29 (PPS12 – Local Spatial Planning CLG 2008 pg. 26)

30 Town and Country Planning (Local Development) (England) Regulations 2004 (Statutory Instrument 2004 No. 2204);

31 Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (SI 2008 No. 1371) and 2009 (SI 2009 No. 401).

At the same time, publish on the Council's website the:

- SPD documents
- Statement of SPD matters
- A statement that the SPD documents are available for inspection, where and at what times they can be inspected.

Give notice by local advertisement of:

- The SPD matters
- A statement that the SPD documents are available for inspection, where and at what times they can be inspected.

Send to the specific consultation bodies that the SPD may affect, and any appropriate general consultation bodies the:

- SPD
- Consultation statement
- Supporting documents relevant to the organisation
- Notice of the SPD matters
- A statement that the SPD documents are available for inspection, where and at what times they can be inspected.

Commenting on the draft SPD

Anyone can make representations on the SPD (Reg 18). All representations must be made within the consultation period and sent to the address specified in the statement of SPD matters.

The consultation period will be no less than 4 weeks and no more than 6 weeks starting on the day that the SPD is made available for inspection and published on the website (as in Reg 17).

Consideration of the representations

The Council cannot adopt an SPD until it has considered any representations made (Reg 18); and

Has prepared a Regulation 18 Consultation Statement setting out a summary of the main issues raised and how these main issues have been addressed in the SPD it intends to adopt.

Adopting the SPD

An SPD must be adopted by resolution of the Council. **(32)**

As soon as practicable after the Council adopts SPD, it must (Reg 19):

- Make available for inspection during normal office hours at the places at which the draft SPD were made available, and publish on its website:
 - The SPD
 - The Regulation 18 consultation statement
 - The adoption statement
- Send the adoption statement to any one who asked to be notified of the adoption of the SPD.

Adoption Statement for SPD states (Reg 16):

- The date on which the SPD was adopted;
- That any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for Permission to apply for judicial review of that decision;
- That any such application must be made promptly - no later than 3 months after the date on which the SPD was adopted.

Appendix 7 - Statement of Community Involvement - public participation

Minimum Consultation requirements

The Town and Country Planning Local Development Regulations ⁽³³⁾

⁽³⁴⁾ set out the minimum requirements for consultation on Statements of Community Involvement (SCI) (Reg 26).

Before preparing a SCI the Council must notify the following organisations and people of its intention to do so, and invite them to make representations about what the contents of the SCI might be:

- Relevant local authorities whose area is in, or adjoins, the District: Parish Councils in and adjoining the District; adjoining District and Borough Councils; Essex County Council;
- The general consultation bodies that the Council considers appropriate;
- East of England Regional Assembly.

The Council must also consider whether it is appropriate to invite representations from residents and businesses in the District.

In preparing the SCI the Council must take into account any representations made in response to these invitations.

A SCI must be adopted by resolution of the Council.

Once the SCI is approved a copy will be available for inspection at The Basildon Centre and it will be published on the Council's website.

33 Town and Country Planning (Local Development) (England) Regulations 2004 (Statutory Instrument 2004 No. 2204);

34 Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (SI 2008 No. 1371) and 2009 (SI 2009 No. 401).

Appendix 8 - Development Control & Traffic Management Committee Scheme of Delegation

Extract from The Council's Constitution "The Way We Work", Basildon District Council, July 2009 (Part 3, schedule 2, pages 75-79)

Please note that the Constitution can potentially change annually, following the Council's Annual Meeting.

4 DEVELOPMENT CONTROL AND TRAFFIC MANAGEMENT COMMITTEE

(a) Membership

Membership of the Development Control and Traffic Management Committee will consist of seven Members of the Council proportional to the political composition of the Council.

(b) Functions

- (i) Within the agreed scheme of delegation set out at (c), to determine planning applications and deal with other development control issues.
- (ii) To determine traffic orders for the regulation and management of traffic in relation to the Council's Community Related Assets.

(c) Delegation of Function

(1) That the Manager of Planning Services, in consultation with the Chairman or Vice-Chairman, be empowered:

- (a) to determine all Planning Applications other than:
 - (i) Those specifically excluded by other parts of this delegation scheme.
 - (ii) Those relating to major development defined as:
 - (a) Industrial/commercial development (B1-B8) over 10,000 sq. metres gross floorspace and any such development in areas not allocated for employment or business use on the existing development plan (b) Residential development sites proposing more than 10 dwellings;
 - (b) Any other class of new building over 1,000 sq. Metres gross floorspace.
 - (iii) Those required to be advertised as departures from the development plan where it is not proposed to refuse planning permission or where it is the renewal of a temporary permission for a similar or shorter period subject to no objections being made.
 - (iv) Those for development contrary to Council policy where it is not proposed to refuse planning permission.
 - (v) District Council applications.
 - (vi) Applications generating significant levels of concern such that the public interest would be best served by deciding the application openly in Committee where representations by the Public.

(b) In further consultation with the Solicitor to the Council, to authorise the issue of Enforcement Notices and service of Stop Notices, Breach of Condition Notices, Tree Replacement Notices and Proper Maintenance of Land Notices under Sections 172, 183,

187A, 207 and 215 of the Town and Country Planning Act 1990 and issue Listed Buildings Enforcement Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the Solicitor to the Council.

(c) To specifically determine:-

(i) All extensions to residential property (excluding property within the Green Belt proposing development in excess of policy guidelines).

(ii) Extensions to industrial/commercial property within identified employment areas up to a maximum of 1,000 sq. Metres gross floorspace.

(d) Make Orders under Sections 97 and 102 of the Town and Country Planning Act 1990, revoking or modifying any planning permission and requiring the discontinuance of any use of land or the alteration or removal of any building or works on land, provided that such Orders are unopposed and all rights to compensation have been waived.

(2) That the Manager of Planning Services be empowered to deal with matters reserved by conditions on the grant of planning permission except that, in the circumstances set out below, any determination shall be in consultation with the Chairman or Vice-Chairman:

(a) The outline planning permission shows no layout of the proposed development; or

(b) The layout in the detailed application is at variance with the layout shown in the outline permission; or

(c) The appropriate Committee otherwise decide on the grant of outline permission; or

(d) Any amendments to applications which have been approved by the Committee or Officers in consultation with the Chairman.

(3) That the Manager of Planning Services unless otherwise prohibited by this scheme of delegation, be empowered to:

(a) Deal with applications for express consent under the regulations relating to the display of advertisements.

(b) Determine applications for listed building consent.

(c) Accept and agree minor revisions to approved plans.

(d) Determine applications for planning permission in relation to:

(i) The formation of vehicle and/or pedestrian accesses.

(ii) The erection of boundary fences and/or walls.

(iii) Shop fronts.

(e) Agree all reserved matters following the grant of outline planning permission unless Committee specifies at the outline stage that it will determine the details.

(f) To determine the following minor matters:

(i) Applications to top, lop or fell trees protected by a Tree Preservation Order in consultation with the Parks Manager.

(ii) In consultation with the Solicitor to the Council, applications under Sections 191 and 192 of the Town and Country Planning Act 1990 for Certificates of Lawfulness of Existing and Proposed Use or Development.

(iii) Where consulted to make observations:

- (a) On proposals for overhead power lines not exceeding 11kv.
- (b) On Essex County Council's proposed development where there are no adverse comments to be made.
- (c) On proposals submitted by English Partnerships in those cases where the proposed development could have been dealt with under the preceding paragraphs of this subsection if it had been the subject of a planning application.
- (d) On minor proposals by statutory bodies and Government Departments where there are no adverse comments to be made.
- (e) To authorise the entering into of planning obligations by agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in accordance with Council policy.
- (f) To serve Building Preservation Notices under Section 3 of the Planning (Listed Building and Conservation Areas) Act 1990.
- (g) To authorise the service of Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.
- (h) Make representations on the Council's behalf in respect of applications for Operator's Licenses under the Transport Act.

(4) That the Manager of Planning Services be empowered to authorise and the Solicitor to the Council be empowered to issue and serve:

(a) Directions in accordance with the Town and Country Planning General Development Orders:

- (i) Requiring an applicant for a Certificate of Lawfulness of Existing or Proposed Use or Development under Sections 191 and 192 of the Town and Country Planning Act 1990 to furnish such further information as may be required to deal with the application.
- (ii) Requiring an applicant to supply such further information, etc. as may be required to deal with an application for planning permission or to verify information given.
- (iii) Removing permitted development rights under Article 4 of the General Development Order 1988.

(b) Discontinuance Notices under regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

(5) That the Manager of Planning Services be empowered to authorise and the Solicitor to the Council be empowered to make and confirm where there are no objections:

- (a) Tree Preservation Orders.
- (b) Variation orders to Tree Preservation Orders under Chapter I of Part VIII of the Town and Country Planning Act 1990.
- (c) Revocation Orders to Tree Preservation Orders.

(6) That the Manager of Planning Services be empowered to authorise and the Solicitor to the Council be empowered to:

(a) Make any Order and issue or serve any Notice under the provisions of Parts III (control over development), VII (enforcement), VIII (special controls) and XV (miscellaneous and general provisions) of the Town and Country Planning Act 1990, as amended, not otherwise expressly authorised to be made, issued, or served.

(b) Withdraw or revoke any Order made or Notice issued or served under Parts III, VII, VIII or XV of the Town and Country Planning Act 1990, or to waive, vary, or relax the requirements or terms of such Orders or Notices.

(c) Issue notices of entry, including where necessary obtaining warrants, under the provisions of the Town and Country Planning Act 1990.

(d) Require information as to interests in land under Section 330 of the Town and Country Planning Act 1990.

(e) Take civil proceedings for injunction pursuant to Section 187B of the Town and Country Planning Act 1990 to restrain any breach, or apprehended breach, of planning control where this is necessary or expedient. Such power only to be exercised where in the opinion of the Manager of Planning Services, immediate action is required to safeguard the interest of the Council.

(7) That the Manager of Planning Services and the Solicitor to the Council be empowered to deal with all aspects of appeals to the Secretary of State under the Town and Country Planning legislation.

(8) That the Head of Public Spaces and Street Scene, in consultation with the Chairman or vice-Chairman, be empowered in relation to Community Related Assets to:

(a) Approve information and/or formal consultations as appropriate on traffic orders and, where no objections are lodged, make the Order.

(b) Carry out consultations and make and confirm Orders to extinguish, divert, alter or create new footpaths and bridleways, subject to no objections being received to the Order.

(9) The Manager of Planning Services be empowered to issue screening opinions on the need to submit Environmental Impact Assessment with major planning applications and issue formal scoping opinions on the content of the Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

