

Basildon Borough Local Development Framework

Statement of Community Involvement: First Revision

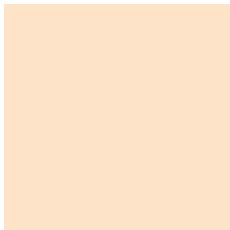
How we will involve the community in planning in
Basildon Borough

December 2011



Basildon Council

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1 Introduction

- 1 The Planning and Compulsory Purchase Act 2004 introduced the requirement for each Local Planning Authority (LPA) to produce a Statement of Community Involvement (SCI) setting out how and when anyone with an interest in planning in the Borough can have their say on:
 - Applications for planning permission for development (planning 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 The Council's original SCI was adopted in October 2009 however it recognised that from time to time, it will need to be updated to reflect legislative changes and updates to Council standards of consultation or service delivery.

Duty to Involve

- 4 Section 138 of the Local Government and Public Involvement in Health Act 2007 requires councils to embed a culture of engagement and empowerment, by setting out a duty on all local authorities to involve local representatives when carrying out any of its functions by providing information, consulting or involving them in other ways.

Draft First Revision - Summary of Changes

- 5 The main changes made to the original SCI can be summarised as:
 - Minor changes to text, grammar and organisation names;
 - Amendments to the Pre-Application and Planning Application section to reflect changes in the Council's delivery of these services since 2009;
 - Amendments to the Planning Enforcement section to align better with the Council's new Planning Enforcement Policy 2010; and
 - Amendments to the Local Development Framework section to reflect relaxed Regulations that are intended to speed up the delivery of Local Development Documents.

Consultation Arrangements

- 6 The SCI Draft First Revision was open for a 3 week consultation from 21 September - 12 October 2011.
- 7 The document was available on the Council's online LDF Consultation Portal, accessed via its website where it could be read, downloaded and commented on.
- 8 Hard copies of the draft were available to view at the Basildon Centre Reception and as a Reference Document at the Borough's main libraries (Basildon, Billericay and Wickford). Hard copies and comments forms were also available on request from these locations or by contacting the Council's Forward Plans Team by 'phone or by email.
- 9 A press release was issued on 20 September 2011, which was subsequently featured on the Council's Facebook® and Twitter sites. An advert was also placed in the 29 September 2011 edition of the local free paper, The Yellow Advertiser.

Consultation Responses

- 10 17 people / organisations responded to the consultation, making 121 comments in total. A number of useful suggestions were made as to how the Council could improve the Service it provides which have been incorporated into the final SCI. The SCI Draft First Revision - Statement of Consultation - December 2011 sets out a schedule of comments submitted and how the Council has responded to them in this final SCI - First Revision.

2 Want to know more about planning?

Looking for Help on Planning?

1. The Planning Portal

The Planning Portal is the Government's online 'one-stop-shop' for planning and building services in England and Wales.

By using the site you can learn more about planning and building regulations, apply for planning permission, find out about development near you, appeal against a decision and research government policy.

The Planning Portal can be found at: www.planningportal.gov.uk

2. Department of Communities and Local Government (DCLG)

General information on the English planning system is available from the DCLG:

www.communities.gov.uk

Eland House, Bressenden Place, London, SW1E 5DU

Tel: 0303 444 000 Email: contactus@communities.gov.uk

3. The Planning Inspectorate

Established in 1909, the Planning Inspectorate processes all householder, planning, listed building, advertisement, Lawful Development Certificate and enforcement appeals and holds examinations into LDF documents.

www.planning-inspectorate.gov.uk

Registry/ Scanning, Room 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

Tel: 0117 372 6372 Email: enquiries@planning-inspectorate.gsi.gov.uk

4. Planning Aid England

Planning Aid, is provided by the Royal Town Planning Institute and provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees. It complements the work of local planning authorities, but is wholly independent of them and staffed by professionally qualified volunteers.

It can help you to

- Understand and take part in the planning system;
- Take part in the preparation of plans or comment on planning applications;
- Apply for planning permission;
- Appeal against a decision; and
- Represent yourself at appeals or Examinations in Public.

Planning Aid's Advice Line is manned by planning advisors, who are qualified planners, giving free and independent advice. Anybody calling the service will be provided with fifteen minutes of free professional advice.

If your call is complicated and cannot be dealt with by the advisor on the phone, and you are eligible for further help they will pass your case on to one of the national network of volunteers.

www.rtpi.org.uk/planningaid

Tel: 0330 123 9244 Email: advice@planningaid.rtpi.org.uk

Advisory Bodies

5. Natural England

The Government's advisor on the natural environment. Its remit includes protected sites, habitats, species, climate change, green infrastructure, etc -

www.naturalengland.org.uk

Enquiries, Natural England, 1 East Parade, Sheffield S1 2ET

Tel: 0845 600 3078 Email: enquiries@naturalengland.org.uk

6. English Heritage

The Government's statutory advisor on the historic environment. Its remit includes Listed Buildings, Conservation Areas, Archaeology, etc.

www.english-heritage.org.uk

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

Tel: 01223 582 700

Email: eastofengland@english-heritage.org.uk

7. Environment Agency

The Government's statutory advisor on protecting the environment and promoting sustainable development. Its remit includes development and flood risk, land contamination, noise pollution, etc.

www.environment-agency.gov.uk

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

Tel: 03708 506 506 Email: enquiries@environment-agency.gov.uk

8. Marine Management Organisation

The Marine Management Organisation was established by the Marine and Coastal Access Act 2009 and it prepares marine plans for the English inshore and offshore waters.

www.marinemanagement.org.uk

Marine Planning Team, Marine Management Organisation, PO Box 1275, Newcastle upon Tyne, NE99 5BN

Tel: 0191 376 2790 Email: planning@marinemanagement.org.uk

9. The Port of London Authority

With some exceptions, The Port of London Authority (PLA) have statutory immunity from the Town & Country Planning Acts for the purposes of undertaking their legal duties. That said, there is crossover between the terrestrial and marine planning systems and the PLA have jurisdiction over some of the Borough's tidal creeks and inlets at Pitsea and Vange.

www.pla.co.uk

Planning Officer, PLA, London River House, Royal Pier Road, Gravesend, Kent, DA12 2BG

Tel: 01474 562284

10. Secured by Design - Association of Chief Police Officers

UK Police flagship initiative, established in 1989 that focuses on the design and security of new and refurbished homes, commercial premises and car parks. Its website provides advice to the general public and professionals on how to secure property and prevent crimes.

www.securedbydesign.com

ACPO Secured by Design, 1st Floor, 10 Victoria Street, London, SW1H 0NN

Tel: 0207 084 8962 Email: acpopi@acpo.pnn.police.uk

Special Interest Bodies/ Charitable Organisations

11. Citizens' Advice Bureau

The service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities from over 3,500 locations. Advice can be face-to-face or by phone.

www.adviceguide.org.uk

Tel: 08444 111 444

12. Rural Community Council for Essex (RCCE)

RCCE 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), Village Design Statements, Neighbourhood Plans, through its team of Community Engagement Officers.

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.

RCCE, Threshelfords Business Park, Inworth Road, Feering, Essex, C05 9SE

Tel: 01376 574 330 Email: rcce@essexrcce.org.uk

13. Friends of the Earth

Friends of the Earth (FoE) is a UK environmental campaigning organisation established in 1971.

South Essex Friends of the Earth covers the Basildon Borough.

62 East Street, Southend on Sea, SS2 6LH

Tel: 08444 841239

14. Essex Wildlife Trust

Essex Wildlife Trust was established in 1959 and is the county's leading conservation charity. Its work includes:

- Protecting wildlife across Essex
- Managing and enhancing nature reserves
- Working with developers to influence their work
- Responding to planning applications
- Monitoring and recording certain species
- Ensuring habitats and species at risk are protected

[Essex Biodiversity Project - Guidance for Planners and Developers](#)

Abbotts Hall Farm, Great Wigborough, Colchester, Essex, C05 7RZ

Tel: 01621 862960 Email: admin@essexwt.org.uk

Please Note

The organisations' names and contact details given here were correct at the time of publication. Basildon Borough Council cannot be responsible for the content of external websites, nor for advice given by external organisations.

3 Consultation on Planning Applications

The Council's approach to pre-application advice and discussions

- 11** Pre-application advice is provided to customers wishing to seek Officers opinion on the merits of a development, ahead of submitting a planning application. Pre-application discussions for major applications are encouraged as an important part of the planning process that can assist the positive outcome of an application, albeit that charging was introduced in April 2011⁽¹⁾ to focus limited resources to the areas that deliver greatest benefit.

Householder development

- 12** Those looking to make applications for householder development (such as porches, extensions, outbuildings, etc) are therefore encouraged to 'self-serve' by:
- visiting the Council's website (www.basildon.gov.uk/planning), which contains extensive information on how to apply for planning permission
 - visiting the Planning Portal (www.planningportal.gov.uk), where easy to use tools such as the "Interactive House" and "Interactive Terrace" provide guidance on how to approach common householder projects, what the responsibilities of householders are in terms of Planning and Building Control are how to go about applying for planning permission, if it is required.
- 13** Alternatively, householders could seek the independent advice of a Planning Agent/ or Planning Consultant. Many are listed in the Yellow Pages™ or The Royal Town Planning Institute (RTPI) have an online directory: (www.rtpiconsultants.co.uk/).
- 14** The RTPI's registered charity, "Planning Aid" offers services to people who cannot afford to pay professional fees. Fifteen minutes of free advice is offered to anybody who contacts it and further help is provided subject to meeting Eligibility Criteria. See previous chapter "Want to know more about planning?" for the contact details.

Other development

- 15** For all other types of development, the extent of pre-application advice offered is determined on a case-by-case basis and is subject to a charge depending on the scale of the proposed development. 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 Customer Service Standards.
- 16** The Council needs to prioritise advice around available resources, reasonably focusing on what meets the Council's objectives for the Borough. 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.
- 17** Any advice given during pre-application discussions will be in accordance with the Development Plan, 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 still be considered on its merits.

1 permitted by virtue of the Local Government Act 2003

- 18** Information that is freely available from existing sources, such as national, regional and local planning policies, will be presumed to be available to developers or their agents.

Pre-application consultation

- 19** Consultation with the wider community, stakeholders and residents prior to submission of an application is encouraged by the Government, however 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.

Please Note

The Council provides advice to anyone on how they need to make a planning application (such as the forms that need to be completed, the legal notices that must be served, the supporting documentation required or the fee to pay, etc).

This service is available:

- In person at the Basildon Centre (appointments are not necessary, however it is helpful to let us know if you would like to speak to a Technical Support Officer in advance, so we can make sure someone will be available)
- By telephone - 01268 294155
- In writing - letter or Email planning@basildon.gov.uk

The Council regards this as an essential part delivering an efficient Planning Service and this is not what is meant by the term "Pre-Application Advice".

Informing people about planning applications

- 20** 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 service that allows you to view details of all the planning applications received by the Council or Appeals to the Planning Inspectorate. The planning application & appeal 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 the 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; and
- Search enforcement cases.

PublicAccess can be found at: planning.basildon.gov.uk/PublicAccess/default.aspx

Who may comment on a planning application?

- 21** Anyone may comment on a planning application.

Commenting on a planning application

- 22** Comments on planning applications must be made in writing within 21 days of the consultation period starting. This is the date cited on any notification letters & site notices. Any comments received after this date, may not be taken into account when considering the applications.

Comments can be made by:

- Letter - sent by post to Planning Services, Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14 1DL; sent by fax to 01268 294162 or scanned and attached to an email to planning@basildon.gov.uk;
- Sending us an email planning@basildon.gov.uk; and
- Entering comments online via our PublicAccess (www.planning.basildon.gov.uk/PublicAccess/default.aspx) system, using the 'Submit Comments' link on the relevant application screen.

We will scribe for people who cannot make comments on their own due to literacy or disability issues.

Comments cannot be made:

- Verbally - we regret that we cannot take comments down over the telephone as they cannot be verified as a true record of the consultee's opinion.

- 23** Comments made on a planning application are a matter of public record and are available to anyone who wishes to view them.
- 24** 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.
- 25** 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;

- Crime and fear of crime;
- Possible conflict with national or local planning policies for the area; and
- The appearance of proposed building and whether or not it would look out of character with neighbouring buildings.

26 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 property or land values;
- Market objections (i.e. protecting the business interests of one individual against the activities of another); and/ or
- Characteristics protected by the Equalities Act 2010⁽²⁾.

27 Anyone who comments on an application and gives a complete postal or email address for written correspondence shall be notified by the same method of the decision when it is made.

28 Petitions submitted **prior to the determination** of an application 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

29 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 planning policies and any other material considerations, the Council gives due regard to any comments received. The following should be noted:

- 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⁽³⁾;
- The Council will consider all material considerations, but 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; and
- Whilst the Council welcomes comments on an application, communication will not generally be entered into with objectors or supporters of an application once the comments have been submitted.

30 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, as the Council would not be in a position to verify the context of the comments. The consideration given to any comments will also depend on the 'quality' of the comment, 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.

2 Age, Disability, Gender Reassignment, Marriage & Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and/ or Sexual Orientation

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

How we will advertise an application

- 31** 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.
- 32** 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

- 33** Acknowledgement of receipt of an application will be made to the agent, or the applicant if there is no agent, within 3 working days of registration⁽⁴⁾ 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 or not an Environmental Impact Assessment (EIA) is required.
- 34** The applicant may choose whether to receive the acknowledgement by post or email.
- 35** The application shall be entered onto a Register of Applications Received⁽⁵⁾, which is updated weekly. This is available::
- As a hard copy at the Council's Reception at The Basildon Centre, St Martin's Square, Basildon SS14 1DL - during [opening hours](#); and
 - Online from the Council's website, via its PublicAccess system, at:
http://planning.basildon.gov.uk/PublicAccess/tdc/DcApplication/weeklylist_searchform.aspx.
- 36** The application forms, plans, design and access statements and relevant supporting documents will always be available to inspect from the Council's Reception at The Basildon Centre, during [opening hours](#).
- 37** In addition, the Council will endeavour to put as much information as possible on its online PublicAccess system except where these are confidential, or cause technical problems (e.g. document file sizes are too large or drawings are not clear enough when scanned). The Council however reserves the right not to publish all documents or remove documents without notification.

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

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

- 38** Some applications are resubmissions of previous applications⁽⁶⁾, generally following a refusal of planning permission. Where a resubmission is identified, the Council will notify in accordance with sections A to F, as well as any specific individuals, who would not automatically be notified, that commented on the previous application.

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

- 39** 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. Table 1 'Categories of Major and Minor Development' indicates when an application is major or minor.

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

Table 1 Categories of Major and Minor Development

Source: Communities and Local Government, February 2008

Minor Development

- 40** The majority of applications received by the Council are for householder related developments (e.g. extensions to dwellings), which are normally classed as '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.
- 41** Many of these applications have only a localised impact and the extent of the Council's dedicated consultation reflects this. For householder and minor applications the following advertisement process will be undertaken:
- Neighbouring properties⁽⁷⁾ populated from the National Land and Property Gazetteer⁽⁸⁾ shall be notified by post, and/or by the erection of a site notice⁽⁹⁾ and 3 weeks shall be given to comment on any planning matters;

6 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.

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

8 shall be notified.

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

- The choice between erecting a site notice or making 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; and
- 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 legislation and partly to the likelihood of any impact on those occupiers.

Major Developments

- 42** 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⁽¹⁰⁾. 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; and
 - Write to key public and statutory stakeholders.
- 43** Applications of Special Interest will 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

- 44** 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 Borough. 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⁽¹¹⁾.
 - The application will be advertised in a local newspaper.

D. Lawful Development Certificates (existing and proposed)

- 45** 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⁽¹²⁾ or immune from enforcement action due to the time that the use or structure has existed⁽¹³⁾.
- 46** For LDC applications for existing development, notifications shall only be made where comments from neighbouring occupiers or visitors would assist in establishing the evidence to corroborate the details of the application. Where this is considered necessary, notifications shall be made as indicated under 'B. 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.

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

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

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

13 Provided enforcement action was able to be taken during this time.

- 47** For LDCs for proposed development, no notifications are generally made as the purpose is to confirm whether the proposal is, as evidenced by the application:
- a. Development, as defined by legislation; and/ or
 - b. within the appropriate Permitted Development rights.
- 48** If following an LDC application, the Council determines that the proposed development requires planning consent, an application for planning permission will need to be made in accordance with A-C.

E. Telecommunications

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

(a) Permitted Development⁽¹⁴⁾

There is no obligation for the Council 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.

(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).

- 50** A list of all Permitted Development notifications and applications received for mast development is maintained at the Council's Reception, at its St Martin's Square offices and can be viewed on request during [opening hours](#). The same list will be uploaded on a monthly basis to the Council's website to make this information more easily accessible.

F. Amendments to applications

- 51** 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.
- 52** Applications for non-material amendments do not, by definition, normally alter the merits of the application and therefore when dealing with such applications, the authority would not normally notify neighbours and other third parties.
- 53** Material alterations to pending applications will generally be accepted provided this will not delay a decision being made within the target timescale for the application.
- 54** Where a material amendment is accepted, a judgement will be made as to the benefits of carrying out further consultation based on the nature and scale of development.
- 55** Material alterations to determined applications will require a new application and consultations will be carried out as identified for the application type.

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

Consultations

- 56** The Council has a number of statutory consultees⁽¹⁵⁾ that it is obliged to notify for certain planning applications (for example Sport England, The Theatres Trust and the Highways Authority, etc.) in order for them to comment upon it.
- 57** 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 however none will be relevant.
- 58** 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.

Decisions

How will decisions be taken?

- 59** 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

- 60** Delegated decisions can be taken by an agreed delegated officer⁽¹⁶⁾ following a report and recommendation by a Planning Officer.

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

- 61** 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;
 - Refer the application to the DCTM Committee for a decision.

By the Development Control and Traffic Management Committee

- 62** 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⁽¹⁷⁾.
 - 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⁽¹⁸⁾.

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

16 Depending on the level of delegation, this may be the Manager of Planning Services or the Development Control Manager

17 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.

18 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

- 63** 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.
- 64** 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 a week beforehand.
- 65** For further information, refer to the "Scheme of Delegation"⁽¹⁹⁾ which sets out when each of the above may occur.

How will people be informed of a decision

- 66** 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⁽²⁰⁾, 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, 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.
- 67** For Committee decisions, the minutes of the meeting will usually be available on the Council's website within 5 working days of the decision.

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.

- 19 The Council's Constitution "The Way We Work", Basildon Borough Council, July 2011 (Part 3, Schedule 2). The contents of the Constitution are subject to change. The SCI reflects the version as of July 2011.
- 20 In accordance with section 69 of Town & Country Planning Act 1990.

Appeals

- 68** 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 at the time of its original decision. The main reasons for an appeal are:
- Against refusal;
 - Against a condition imposed on an approval;
 - Against non-determination of an application.
- 69** 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;
 - 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.
- 70** All appeals lodged with the Council and decided by the Planning Inspectorate are available to view on the Council's website, via PublicAccess: http://planning.basildon.gov.uk/PublicAccess/tdc/ApApplication/application_searchform.aspx

Contact Details for The Planning Inspectorate

www.planning-inspectorate.gov.uk

Registry/ Scanning, Room 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

Tel:0117 372 6372 Email: enquiries@planning-inspectorate.gsi.gov.uk

Council's approach to community involvement in planning obligations

- 71** Agreements in respect of Section 106 of the Town and Country Planning Act 1990 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⁽²¹⁾ to ensure that legal agreements are used correctly.
- 72** The ability to engage more fully is, however, limited. Nevertheless, through the pre-application and application process, the applicant is encouraged to engage with key public stakeholders and partners to deliver benefits in accordance with the objectives and priorities of the Council.

4 Public Involvement in Planning Enforcement

Types of complaint that can be investigated

- 73** 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.
- 74** Further details relating to the enforcement of planning controls is set out in the Council's [Planning Enforcement Policy](#), which was adopted by the Council's Cabinet on 13 December 2010.

Your involvement in planning enforcement

- 75** 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 Borough Councillors, to be the local eyes and ears in the community.
- 76** Everyone who lives and works in the Borough 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.
- 77** When reporting a suspected breach of planning control please provide us with as much information as you can about the breach (e.g. the exact address or location, when activities started and addresses of the perpetrators if known). This helps us respond quickly and effectively.

Will my complaint be confidential?

- 78** Yes, your personal details will remain confidential and will not be given to the person or company you have complained about.
- 79** 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

- 80** A letter of acknowledgement will be sent out by post within three working days of the receipt of a complaint.
- 81** 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?

- 82** Complaints will normally be dealt with in accordance with their urgency. The Council's Enforcement Policy 2010, sets out four categories of prioritisation to manage its actions dependant on the type of breach and its location in the Borough. Priority will be usually given to those complaints concerning development in the Green Belt, Conservation Areas, to Listed Buildings or works to Protected Trees and breaches that represent serious danger to public safety.
- 83** Our enforcement team aim to instigate the investigation of complaints in accordance with this prioritisation which can anything from an immediately, to within ten working days.
- 84** Most complaints will be processed 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; and any appeal against a notice will obviously delay the process.

5 How we will consult on Our Local Development Framework Documents

Introduction

85 Local Planning Authorities have the responsibility for preparing Development 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).

86 The plans are also known as called Local Development Frameworks (LDFs), and have previously been called Local Plans. The terms associated with LDFs can be confusing. A list of relevant abbreviations is included in Appendix 1, but essentially the ones most frequently referred to are set out below and the Basildon Local Development Framework diagram indicates how they fit together:

- Local Development Documents (LDDs);
- Development Plan Documents (DPDs);
- Area Action Plans (AAPs);
- Supplementary Planning Documents (SPDs); and
- Local Development Scheme (LDS).

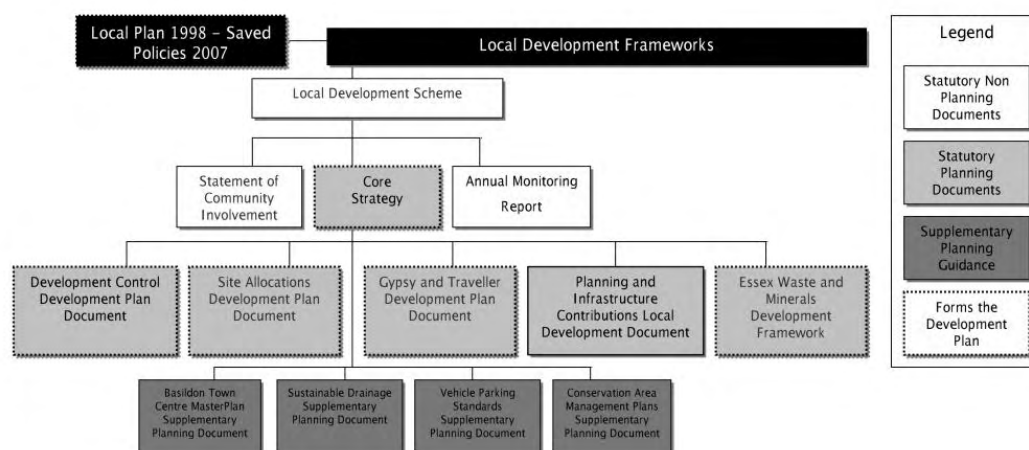


Figure 1 Basildon Borough Local Development Framework

(This diagram is for illustrative purposes only. Document names are subject to change)

A changing planning system

- 87** In the Localism Bill 2010, the Government has announced its intention to revoke Regional Spatial Strategies and has proposed changes to what documents might make up Local Development Frameworks in the future and what these could be called. The Government also intends to allow local neighbourhoods to draw up neighbourhood plans that would form part of the local planning policy framework where they are prepared.

The planning documents we intend to produce

1. 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). The Council must by law have an adopted LDS in place, but it can revise it from time to time to reflect changes to its future programme, (currently requiring the approval of the Secretary of State).
2. As a minimum, the Council must prepare a Core Strategy DPD which sets out how growth will be managed throughout the Borough in the future. It needs to be supported by an Infrastructure Delivery Plan (IDP) which would set out the costs and necessary phasing of the infrastructure (likely to cover transport, housing, education, health, green, social, public services and utilities) identified by the Council and other service providers as being needed to support the Core Strategy. The IDP will inform multi-sector asset planning, planning obligations, and the Community Infrastructure Levy (CIL).
3. Additional documents can be prepared to allocate land, manage development and encourage good design.
4. The Council's Adopted Proposals Map will also be revised from time to time, as and when required, to illustrate where new planning policies apply, as a result of adopting a new DPD.
5. The Council can adopt Supplementary Planning Documents (SPDs) to elaborate on policies contained in any DPD, but these do not need to be set out in advance in the LDS.

Who can be involved?

- 88** Any person, organisation or company can be involved in the engagement and consultations that will happen as the Council prepares its LDF.

How people can be involved

- 89** Planning Regulations ⁽²²⁾ set out minimum requirements for consultation, including requirements to consult the public, local groups and businesses, as well as specific organisations ⁽²³⁾ (e.g. Natural England, water companies and adjacent councils).
- 90** The Council has to meet these minimum requirements, but hopes to exceed them.
- 91** There are a variety of ways that people, organisations / interest groups can be consulted. A list at Appendix 2 shows some that the Council may engage with in the future. The scale of consultation is likely to vary with the type of document. 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

22 (2009) <http://www.legislation.gov.uk/uksi/2009/401/contents/made> (2008)
<http://www.legislation.gov.uk/uksi/2008/1371/contents/made>, (2004)
<http://www.legislation.gov.uk/uksi/2004/2204/contents/made>,

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

proposals for a specific, localised area). Some cost more than others, therefore the Council needs to bear in mind how achievable and realistic the type of consultation is, given the limits of its available resources.

92 Some people and groups are more aware about planning and making their voice heard. Others are sometimes known as 'hard to reach' groups, or those whose voice is 'seldom heard'. It is neither inclusive nor exclusive, but reflects commonly recognised groups within the community as a whole:

- young people;
- the elderly;
- disabled people;
- minority ethnic groups;
- people with caring responsibilities;
- the gay, lesbian, bisexual and trans-gender community;
- socially-excluded groups;
- asylum seekers / refugees;
- homeless people;
- the Gypsy and Traveller community;
- people from deprived areas; and
- non-users of council services.

93 The reasons why these groups may be difficult to engage with and as a result "seldom heard" can arise from a wide range of conditions:

- some groups of people, such as working single parents, have less spare time than others, such as retired people;
- some people have difficulty understanding written or spoken English;
- some people cannot see or hear;
- some people have mobility difficulties;
- some groups feel culturally isolated from the mainstream of society's activity;
- some groups feel alienated from, or even suspicious of, the organisation that is consulting them;
- some communities are geographically isolated;
- some people have no permanent address;
- some people are living with a long-term illness;
- some people are out at work all day; and
- some people may just not be interested in being consulted by public bodies.

94 When reviewing planning policies, the Council will make efforts to encourage those who are seldom heard to make their views known. This may involve putting specific measures in place to try and ensure that the opportunity for those hard to reach groups to make comments are made (e.g. the Youth Council, social media, focus groups, face-to-face meetings, etc.)

95 It is important to recognise that the Council has limited resources, but it will however attempt to engage and facilitate participation in its LDF's preparation by (for example):

- If events are to be held, where possible hold them at different times (e.g. during the day, at weekends, during the evenings, etc), dependent upon the circumstances of those whose opinions are being sought;
- Ensuring venues are accessible to people with disabilities (in terms of transport access, as well as physical access to a building and its supporting facilities);
- Providing facilities such as an induction loop systems for use with hearing aids
- Providing the option for documents to be made available in different formats such as large print size, on tape and translated into a different language;

- Undertaking "awareness raising" at appropriate stages of plan preparation. This may be through public meetings, groups sessions, community forums, targeted information sessions, programmed press releases, etc.;
- Holding focused consultation/participation sessions in the community (e.g. women only sessions), or to those with a specialist interest (e.g. natural history societies).
- Ensuring events are inclusive but respect the culture and sensibilities of the communities whose views are being sought; and
- Writing documents in plain English and providing glossaries where this is not possible for technical terminology.

Example 1

What we already do

Online consultations

The Council has an online LDF 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 are:

- You can be instantly notified about new LDF consultations;
- You will get an instant acknowledgement of that your comments have been received;
- You can save time by viewing and commenting on documents online, rather than waiting for documents to be posted out or having to collect copies from deposit points;
- You can update your contact details instantly (such as change of address);
- You can help us to reduce postage costs; and
- You can help us to help the environment by reducing paper usage.

LDF Consultation Database

People interested in the LDF can register for an LDF Consultation Database account. Once registered, as a member of the public, organisation or as an agent acting in the interests of someone else, we can notify you about all of Basildon's LDF consultations easily. You can tell us what you are interested in hearing about the most, so we can tailor our communication to your needs. If you complete the "About You" section we can also make sure we are engaging with all communities inclusively, in accordance with legislation.

So far over 1,300 individuals and organisations have registered. **(24)**

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 the Forward Plans team 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 email or post and you can even select the LDF subjects which most interest you.

Consultations in other formats

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

Informing people about consultations

For previous LDF consultations we have:

- Sent letters/emails to those on the LDF mailing list
- 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 to the media
- Advertised via posters in Council buildings, libraries and sports centres

Consultation case studies

Case Study 1: Open Space Strategy – a varied approach

Citizens Panel

- A postal survey was sent to the Citizens Panel ⁽²⁵⁾ in 2008. This asked about people's experiences of using open spaces in the Borough 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 LDF Consultation Portal. This asked local people about their experiences of using open spaces and what their priorities for open space improvements were.
- 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 LDF mailing list who prefer to be notified by post.
- 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 Borough. Paper copies of the survey form were also available.
- In the 2009 Easter holidays, 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 surveys, of which, half were submitted on-line.

Filling in the gaps

- In 2008 and 2009 focus groups ⁽²⁶⁾ 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 Borough. 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 LDF's open space policies are drafted and when the Open Space Strategy is prepared.

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

- 96** 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.
- 97** PPS12 ⁽²⁷⁾ 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.
- 98** In the same way, key stakeholders should engage in timely and effective discussions with LPAs on the deliverability of LDFs.

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

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

27 PPS12 – Local Spatial Planning, CLG, 2008, pg.13

- 99** 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.
- 100** 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 Borough. 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.
- 101** The relevant delivery agencies include:
- Regulatory agencies: such as the Environment Agency, English Heritage, Natural England, and the Marine Management Organisation;
 - Physical infrastructure delivery agencies: such as the highways authority, Highways Agency, utilities companies, Network Rail, public transport providers, airport operators, Port of London Authority;
 - Social infrastructure delivery agencies: such as Essex County Council Schools, Children & Families Directorate, social services, GPs, acute hospital trusts, emergency services, charities, etc;
 - Natural Environment organisations: such as Essex Wildlife Trust, RSPB, Basildon Natural History Society, The Land Restoration Trust, etc;
 - Major landowners – including the local authority itself, Government departments and its agencies.
 - House builders, the Homes and Communities Agency and developers; and
 - Minerals and waste management industries.

Example 2

What we already do

Call for Sites 2007 and 2008

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 generated over 400 site suggestions and are informing the preparation of the Strategic Housing Land Availability Assessment (SHLAA) as required by national planning policy.

Agents' LDF Consultation Database

The LDF Consultation Database has a separate section for agents, which has over 170 agents registered. ⁽²⁸⁾

Delivery Stakeholders

The LDF Consultation Database includes the relevant delivery agencies such as Homes and Communities Agency, Education Authorities, etc.

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

- 102** The Council will meet or exceed the statutory requirements for consultation set out in the Regulations.
- 103** In preparing DPDs there are two distinct phases, and these require differing approaches to consultation and participation.

Phase 1

(a) Preparation and Technical Studies - Preparation Stage of a DPD

- 104** 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.
- 105** This phase requires **engagement** 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.
- 106** The results of this research lead to the next phase of DPD preparation - i.e. the results of technical studies go on to inform draft DPDs which the public are then consulted upon.

Phase 2

(b) Development of Policy Options - 1st Formal Stage of a DPD

- 107** Once enough information has been assembled, *the public and stakeholders* will be **consulted** on realistic and meaningful options for dealing with the issues identified and to make sure that issues have not been missed. The same document will also select the preferred option for dealing with the issues and justify why alternative options have not been chosen.
- 108** The Regulatory Assessments (consisting of Sustainability Appraisals, Strategic Environmental Assessments, Habitat Regulations Assessments and Service Impact Assessments) will also be open to public consultation at this point. Any Technical Studies, that support the draft DPD being consulted on, will also be published.
- 109** For this consultation we will expect to provide:

1. Information about the DPD on our website, through the media, at main Borough libraries⁽²⁹⁾ 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 online. Paper surveys/ reply slips will also be available from our Council offices, local housing offices and main Borough libraries (subject to space availability). Comments will also be able to be made via letter and email.
3. Opportunities for those people who traditionally are less involved to have their say.

110 Following the closure of the consultation, a Consultation Statement will be published that sets out all the views made and who has made them.

(c) Publication of Proposed Submission DPD - 2nd Formal Stage of a DPD

111 After considering the representations received and amending the DPD, where appropriate, we will publish the proposed submission version of the DPD and Regulatory Assessments for consultation for 6 weeks.

112 This is the DPD the Council considers to be sound which it intends to submit to the Secretary of State for "Examination in Public" by The Planning Inspectorate.

113 One of the supporting documents will be a Consultation Statement setting out:

- Who was invited to be involved in the plan's preparation;
- How they were invited to be involved; and
- A summary of the main issues raised and how they have been addressed.

(d) Addendum to the Proposed Submission of DPD - 3rd Optional Stage of a DPD

114 If any changes need to be made to the DPD as a result of the Council considering the comments to the 2nd Formal Stage, an Addendum to the Proposed Submission DPD will be published and open to consultation with the public and stakeholders for a further 6 weeks.

115 At the end of the consultation, it will be sent to the Secretary of State along with any representations made and all supporting documents.

(e) Submission of DPD - 4th Formal Stage of a DPD

116 If no changes are to be made to the DPD, we will publish a notice stating that the DPD has been submitted for Independent Examination to the Secretary of State.

117 We will also publish a Consultation Statement setting out:

- The number of representations made on the Proposed Submission DPD and the Addendum (if it was necessary);
- Summary of the main issues raised; or
- That no representations were made (if this is the case).

Consultation statements

118 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 "Consultation Statements/ Statements of Consultation" is an important part of the consultation process. It demonstrates the breadth of comments received and how the main issues raised have been addressed.

- 119** These Statements will be published on the Council's website and will be available at the Basildon Centre for public inspection. They will also be available in the main Borough libraries.

Example 3

What we already do

- Any consultations carried out in the previous year are reported in the **Annual Monitoring Report (AMR)** which is published on the Council's website by each December and is available for inspection from the Council's Reception at its St Martin's Square offices, during opening hours.
- The **results of engagement exercises** such as the Call for Sites, or Statements of Consultation on the LDDs or their supporting documents are published on the Council's website and are available for public inspection at the Basildon Centre.

Consultation of Community Infrastructure Levy (CIL) Schedules

- 120** The Planning Act 2008 introduced a new planning charging mechanism called the Community Infrastructure Levy (CIL) that local authorities can charge on most types of new development in their area to pay for supporting infrastructure (e.g. transport schemes, flood defences, schools, green spaces, social care facilities, etc). It will exist alongside, rather than replace wholly Planning Obligations (e.g. s.106 agreements) although these will be scaled back where a CIL is in place. CIL can only be charged by LPAs that have an adopted Core Strategy and Infrastructure Delivery Plan.
- 121** In June 2011, eight Councils were selected by the DCLG to prepare CIL Charging Schedules as Phase 1 Councils as part of a Government sponsored "CIL Front Runners" project. In July 2011, a further 20 authorities had been selected to be the Phase 2 Councils. The purpose of these projects is to support local government in developing effective ways of implementing CIL in their areas, as well as giving other authorities who are considering introducing the levy in the future the benefit of experience and best practice from elsewhere.
- 122** CIL Regulations ⁽³⁰⁾ set out the consultation requirements that a LPA must adhere to when it prepares new or revised Draft CIL Charging Schedules including what documentation to make available for public inspection, what to publish on its website, what it sends to consultation bodies, how representations can be made and what legal notices it must issue.
- 123** In the event that Basildon Borough Council decides to implement a CIL Schedule in the future, to support the delivery of its Core Strategy, it will ensure that its procedures meet the relevant Regulations, whilst also drawing from the experience of these and other pioneering authorities.

Consultation on Supplementary Planning Documents

- 124** Supplementary Planning Documents (SPD) are intended to explain or provide further detail to policies or sites allocations in a DPD. They might take the form of design guides, master plans, or issue based documents such as the Design of Sustainable Drainage Systems or Conservation Area Management Plans. They will be used in determining planning applications and will help the Council defend its decisions at appeals. They are not however part of the Borough's statutory Development Plan.

30 The Community Infrastructure Levy Regulations 2010 and the Community Infrastructure Levy (Amendment) Regulations 2011

- 125** SPDs no longer require Sustainability Appraisals, however they may still need a Strategic Environmental Assessment⁽³¹⁾ and Service Impact Assessment⁽³²⁾, depending on their subject matter.
- 126** Whilst SPDs are not subject to an Examination in Public, their drafts will be subject to community involvement in accordance with the Regulations.
- 127** For any SPD consultation, we will expect to provide:
1. A consultation period of between 4-6 weeks;
 2. Information about the SPD on our website, through the media, at main Borough libraries⁽³³⁾ and directly via email or letter if you are a statutory body or are registered on our LDF Consultation Database;
 3. An opportunity to comment on the SPD online. Paper surveys/ reply slips will also be available from our Council offices, local housing offices and at main Borough libraries (subject to available space). Comments will also be able to be made via letter and email; and
 4. Opportunities for those people who traditionally are less involved to have their say.
- 128** The exact nature of consultations would however depend on what the SPD dealt with.
- 129** A Consultation Statement will be published, prior to the SPD being adopted setting out the names of those consulted in connection with the SPDs preparation, how they were consulted, a summary of the main issues raised and how those issues have been addressed in the SPD the Council intends to adopt.

The role of others in producing SPDs

- 130** Planning at town or parish levels can bring wide benefits to the communities involved, engaging them in planning matters which affect their local area.
- 131** Where communities or developers wish to use the statutory planning process (i.e. SPDs) as part of this approach, they should work with the Council as Local Planning Authority from the outset. PPS 12⁽³⁴⁾ states that developers and communities should not expect to prepare plans independently from the LPA and then just have them adopted as SPD. 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 Village Design Statements.
- 132** Essex County Council has produced SPDs to guide its decision-making as a Planning Authority and provide greater guidance to developers on what might be required from a development. They do not have automatic SPD status in Basildon Borough, unless they are adopted formally by the Council; they do nevertheless provide a useful point of reference for Local Planning Authorities. Examples include:
- Developers' Guide to Infrastructure Contributions 2010
 - Essex Design Guide 2007
 - Essex Design Guide: Urban Place Supplement 2009

Neighbourhood planning

- 133** The Localism Bill 2010 includes provisions for neighbourhoods to draw up Neighbourhood Plans and issue Neighbourhood Development Orders.

31 <http://ec.europa.eu/environment/eia/sea-legalcontext.htm>

32 which will include an Equality Assessment

33 Basildon, Billericay and Wickford

34 PPS12-Local Spatial Planning, CLG 2008, paragraph 6.2, page 26

- 134** They have to be established in law, be within the context of the relevant LPA's Local Development Framework and within the parameters defined in national planning policy. LPAs will have new duties which are anticipated to include:
- confirming the status of a proposed Neighbourhood Forum if a Parish Council is not already in place;
 - confirming the geographical areas of the proposed Neighbourhood Plan;
 - providing expertise and advice to Neighbourhood Forums or Parish Councils;
 - Holding referendums; and
 - Adopting Neighbourhood Plans where all requirements have been met.
- 135** The Council will expect any Neighbourhood Forum or Parish Council to adhere to any relevant legislation and Regulations when preparing Neighbourhood Plans with its community and issuing Neighbourhood Development Orders, going beyond the minimum where it is possible and practical to do so.
- 136** The Localism Act is anticipated to receive Royal Assent in late 2011 and be brought into effect, gradually afterwards.

6 Learning from previous consultations

- 137** 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.
- 138** In August 2008 the Council consulted the Borough'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 BBC consultations, in organising future consultations.

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

Table 2 Headline results

- 139** 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.
- 140** 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.
- 141** The full results for these questions are given in Appendix 4.

7 Reviewing the Statement of Community Involvement

- 142** The Council intends to build upon its existing and successful consultation practices.
- 143** We want consultation processes to be simple to follow and use. We aim to carry them out in a fair, open and efficient way.
- 144** 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.
- 145** This Statement of Community Involvement will be updated as necessary in the future.

8 Appendix 1 - Glossary & Abbreviations

AAP	Area Action Plan	These can be developed 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.
BBC	Basildon Borough Council	
	Citizens' Panel	The Citizens' Panel has approximately 1,100 recruited members that are representative of the Borough's population. The Panel participates in a minimum of 3 surveys each year, plus any additional surveys or in depth focus groups as needed.
CIL	Community Infrastructure Levy	The Community Infrastructure Levy is a new levy introduced that local authorities can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.
	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.
DC/DM	Development Control/ 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 Borough.
	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.

HRA	Habitat Regulation Assessment	An legal assessment carried out in accordance with the provisions set out in the Habitats Regulations to consider the potential impacts of a land use plan on EU designated sites (Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
IDP	Infrastructure Delivery Plan	An Infrastructure Delivery Plan identifies the future infrastructure required to support the delivery of the Core Strategy DPD.
LDF	Local Development Framework	A portfolio of Local Development Documents which set out different types of planning policy applicable in an area. It replaces a Local Plan.
LDD	Local Development Document	Local Development Documents comprise: <ul style="list-style-type: none"> • Development Plan Documents • Supplementary Planning Documents • Statement of Community Involvement
LDS	Local Development Scheme	This is essentially a programme for the preparation of LDDs.
LPA	Local Planning Authority	The local authority responsible for planning matters in its area. Essex County Council and Basildon Borough Council are both Local Planning Authorities for different planning matters in Basildon Borough.
LSP	Local Strategic Partnership	Branded "Basildon Renaissance Partnership", the LSP is a 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	Planning Policy Statement	Government guidance on planning policy issues. There are 23 (including supplements) on different planning topics. PPGs have been gradually replaced by Planning Policy Statements (PPS), which are proposed to be replaced in 2011/2012 time by a single National Planning Policy Framework.
PPG	Planning Policy Guidance	

PPA	Planning Performance Agreement	<p>An agreement between a LPA, developer and other key agencies (such as statutory consultees) to improve the quality of planning applications and decision making through collaboration.</p> <p>They are designed to address some common problems encountered by LPAs and applications such as timescales, resources and the quality of applications; providing greater certainty and confidence for developers in the planning process.</p>
	Pre-Application Advice	This is provided to customers wishing to seek Officers' opinion on the merits of a development, ahead of submitting a planning application. With the exception of householders, this is a chargeable service in Basildon Borough.
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 follow when preparing the LDF. They flow from the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008.
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, but Government intends to revoke it through new legislation in 2012.
SA	Sustainability Appraisal	All DPDs are 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 Borough's residents and any other people having an interest in the planning of the Borough, will be consulted/ engaged in the process of considering Local Development Documents and planning applications.

SCS	Sustainable Community Strategy 2008-2033	<p>Is a long-term strategy to promote the environmental, social and economic well-being of the Borough. It's strategic objectives are:</p> <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 <p>It is being reviewed by the LSP in 2011/2012.</p>
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.
SIA	Service Impact Assessments (also known as Equalities Impact Assessments)	The Equalities Act 2010 requires that the work of the Council to promote equality and not to discriminate. A SIA or Equalities Impact Assessment is an assessment to ensure the LDF documents comply with this duty.
	Social Infrastructure	Facilities available to support the existence and development of a community. Includes Health and Social Care (GP surgeries, hospitals, health centres, carers, etc), Education and Childcare (nursery/ pre-school, primary, secondary, further and high education, adult training, etc), Leisure and Pleasure (parks, allotments, open space, play areas, health clubs, etc), commercial infrastructure (shops, cinemas, pubs, etc), emergency services, cultural and community (libraries, community halls, youth clubs, etc).
	Stakeholder	An individual, organisation or party that has an interest in a project or topic.
SPD	Supplementary Planning Document	SPDs can be prepared by local authorities to provide additional guidance to elaborate upon the policies of a DPD. They are not subject to independent examination, but are subject to SA.
SPG	Supplementary Planning Guidance	

		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	<p>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.</p> <p>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.</p>

Table 3

9 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 staff; high cost 	I, C

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
Written consultation/ referenda/ community surveys	<ul style="list-style-type: none"> Covers issues Specific and quantifiable Useful where questions and issues understood 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"> 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 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 	C
Citizens Panel	<ul style="list-style-type: none"> Already established Wide coverage Representative sample of the Borough'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

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
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
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

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
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

Table 4

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

10 Appendix 3 - Specific and General Consultation Bodies

Specific Consultation Bodies

146 'The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended in 2008 & 2009)' and the Environmental Assessment of Plans and Programmes Regulations 2004 specify that the following organisations must be consulted if the Council considers that they may be affected by what is proposed to be covered in a DPD or SA.

147 The lists below include organisations specified in national regulations and therefore some of the lists may be somewhat out of date. The Regional Planning Body and the Regional Development Agency for example, no longer exist. The Council will always carry out consultation in accordance with the latest regulations.

148 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)
- The Highways Agency (for some types of highway such as Trunk Roads or Motorways)
- East of England Regional Development Agency (EEDA) (due to close in March 2012)
- East of England Regional Assembly (EERA) (the regional planning body) (dissolved in March 2010)
- 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 Borough Council
 - Castle Point Borough Council
 - Rochford District Council
 - Thurrock Borough Council
 - Thurrock Thames Gateway Development Corporation (to close on 1st April 2012)
 - a parish council
 - Billericay Town Council
 - Great Burstead & South Green Village Council
 - Little Burstead Parish Council
 - Noak Bridge Parish Council
 - North Benfleet & Bowers Gifford 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
 - 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 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
 - Essex Fire & Rescue Service
 - Essex Police
 - East of England Ambulance Service NHS Trust
 - any of the bodies from the following list who are exercising functions in any part of the area of the council:
 - NHS South West Essex (local Primary Care Trust);
 - Malling Health - independent operator of GP service at Dipple Medical Centre, Pitsea
 - 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

149 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.

150 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 out business in the council's area.

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

Other Consultation Bodies

152 The key principle is that the council should carry out public participation that is appropriate for the DPD 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.

11 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 respondents 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%

Table 5

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%

Table 6

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%

Table 7

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% =

Table 8

12 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 current Town and Country Planning Local Development Regulations. ⁽³⁵⁾ If there is a discrepancy between the Regulations and this Appendix, the former will take precedence.

REGULATION 25 - 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 Borough. If so, it must make appropriate consultation arrangements.
- The Council will take into account any of the representations made in response to these consultations by the bodies, businesses or individuals it consults.

REGULATION 27 - Publication of a DPD

Following the preparation of the DPD, Regulation 27 requires the Council to publish the proposed submission DPD documents and invite comments on them for at least 6 weeks before submission to the Secretary of State for Examination.

The **Proposed Submission Documents** (as defined in 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.

35 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 **Statement of the Representations Procedure** (as defined in 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 for examination, 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:

The Council will:

- Publish the Proposed Submission Documents (as defined in Reg 24);
- Publish a statement of the representations procedure (as defined in 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 Borough 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).

REGULATION 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.

REGULATION 30 - 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.
- The 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.
- The 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 Reg 28 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.
- Any other 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.

The Council will also publish on its 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.

The Council will 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.

The Council will notify all those who requested to be notified of the submission to the Secretary of State.

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.

At least 6 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 ⁽³⁶⁾ 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):

- 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. ⁽³⁷⁾

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 newspapers.

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; and
- 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)).

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

37 Section 23 (5), Planning & Compulsory Purchase Act 2004

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

An LPA may prepare SPDs 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. (38)

SPD Minimum Consultation requirements

The Town and Country Planning Local Development Regulations (39)(40) 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 Borough that the Council considers appropriate.

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

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

40 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. ⁽⁴¹⁾

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.

41 Section 23 (5), Planning & Compulsory Purchase Act 2004

14 Appendix 7 - Statement of Community Involvement - public participation

Minimum SCI Consultation Requirements

The Town and Country Planning Local Development Regulations ⁽⁴²⁾(43) 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 Borough: Parish Councils in and adjoining the Borough; adjoining District and Borough Councils; Essex County Council;
- The general consultation bodies that the Council considers appropriate;
- East of England Regional Assembly (disbanded in March 2010).

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

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

The SCI must be adopted by resolution of the Council, but future minor changes or amendments can be delegated to the Cabinet or a Cabinet Member.

Once the SCI is approved, a copy will be available for inspection at the Council's Reception at its St Martin's Square offices during opening hours and a copy will be published on the Council's website.

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

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

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