



Basildon Borough Council  
Statement of Community Involvement:  
Second Revision  
July 2016



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## 1 Introduction

- 1.1** The planning system must promote and deliver sustainable communities by ensuring that development occurs in the right place at the right time and that it makes a positive contribution to people's lives by providing homes, jobs and enhancing quality of life.
- 1.2** Paragraph 155 of the National Planning Policy Framework (NPPF) states that 'Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area.'

### What is the Statement of Community Involvement

- 1.3** Local Planning Authorities (LPAs) are required to produce a Statement of Community Involvement (SCI) under Part 2 (section 18) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 1.4** The SCI seeks to ensure active, meaningful and continued involvement of local communities and stakeholders in planning. The SCI outlines the Council's standards for community involvement in the planning process and identifies ways it will achieve these standards. It sets out how, when and who will be consulted on:
- Planning applications
  - Planning appeals (when planning permission is refused and the applicant appeals to the Secretary of State),
  - Planning enforcement; and
  - Local Plans made by the Council for the future development and / or protection of the area.

### Reviewing the SCI

- 1.5** There have been a number of changes to planning legislation and policy since the last SCI was adopted in December 2011. This includes the publication of the NPPF and the enactment of new legislation and changes to legislation through the Localism Act 2011, Neighbourhood Planning (General) Regulations 2012, the Town and Country Planning (General Permitted Development) (England) Order 2015, and the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.6** The Council has also updated its own policies on consultation through the adopted Consultation and Engagement Policy 2014. This sets out seven standards the Council will apply when undertaking consultation and engagement, it will forward plan, listen, be honest, provide clarity, provide feedback, share findings and be intelligence-led. This policy can be viewed on the Basildon Borough Council's website: [www.basildon.gov.uk](http://www.basildon.gov.uk)
- 1.7** The updated SCI takes account of these changes and requirements. It also provides the opportunity for the Council to improve its consultation approaches in order to reflect 'best practice' and demonstrate the experience gained through previous consultation work.
- 1.8** This SCI will be updated as necessary in the future to reflect legislative changes and updates to Council standards of consultation or service delivery.

## Best Practice

- 1.9** The Duty to Involve was repealed in 2011 and replaced with the Best Value Statutory Guidance. This has since been updated to Revised Best Value Statutory Guidance in March 2015. Best Value authorities are under a general Duty of Best Value to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Under the Duty of Best Value, therefore, authorities should consider overall value, including economic, environmental and social value, when reviewing service provision.
- 1.10** Authorities are under a Duty to Consult representatives of a wide range of local persons under Section 3(2) of the Local Government Act 1999. Authorities must consult representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. Authorities should include local voluntary and community organisations and small businesses in such consultation.
- 1.11** As public engagement activities in general, and consultation in particular are resource intensive and are likely to involve increasing amounts of public money, it is appropriate that local planning authorities (LPAs) adopt a Best Value approach to their policies and their options for implementing them. This means finding ways to observe the standard tests of Challenge, Comparison, Consultation and Competition in determining the ways in which to undertake public engagement.
- 1.12** The SCI will have due regard to the Revised Best Value Statutory Guidance and Duty to Consult when detailing the methods of consultation and community engagement to ensure that they offer best value and meet the statutory consultation requirements. Details of the methods of public participation that Basildon Council may use and for what purpose are detailed further with Appendix 2: A selection of methods of consultation.

## How is the SCI set out

- 1.13** The document is divided into four main parts. The first is a brief introduction to the SCI. The second section explains how the Council approaches pre-application advice and discussions, advertising and commenting on planning applications and appealing a planning decision. The third section details how planning enforcement is managed. The fourth section outlines how the Local Plan and other planning policy documents will be consulted on.

## Consultation Arrangements

- 1.14** Since the Planning and Compulsory Purchase Act 2004 (as amended) was updated in 2008, the SCI is no longer considered a development plan document. This means that during the preparation process the SCI is no longer subject to examination, however, public consultation with local and statutory stakeholders is required prior to cabinet review.
- 1.15** The ‘Statement of Community Involvement Draft Second Revision’ document was subject to a targeted six week public consultation between 1st October 2015 and 12th November 2015.
- 1.16** The Council wrote to all consultees registered on their database which includes statutory consultees and residents notifying them of a six week consultation and seeking their views and input on its content. Members of the public that had submitted a representation on a planning application within the last 6 months were also written to.

**1.17** The following methods of communication and engagement were carried out:

- Advert within the Autumn Borough Diary publication
- Posters, leaflets and comments forms made available in the 5 Borough libraries (Basildon, Billericay, Wickford, Laindon and Pitsea)
- Bowers Gifford and North Benfleet Parish Councils placed corresponding articles on their website linking to the SCI consultation
- Banner on the Borough Council's website landing page
- Advert on the back of Borough buses for 1 month (starting 8th October 2015)
- Press release in the local newspapers, and
- Council employees presented the SCI at the Community and Diversity Council meeting held on 14 October 2015.

**1.18** The document was available on the Council's online Planning Consultation Portal, accessed via its website where it could be read, downloaded and commented on.

**1.19** Hard copies of the 'Statement of Community Involvement Draft Second Revision' document were available to view at the Basildon Centre Reception and as a Reference Document at the Borough's main libraries (Basildon, Billericay, Wickford, Laindon and Pitsea). Hard copies and comments forms were also available on request from these locations or by contacting the Council's Planning Plans Team by 'phone or by email.

### **Consultation Response**

**1.20** A total of 345 comments were received from 69 consultees. A number of useful suggestions were made as to how the Council could improve the consultation service it provides which have been incorporated into the final SSCI.

**1.21** The 'Statement of Community Involvement, Statement of Consultation, May 2016' sets out a schedule of comments submitted and how the Council has responded to them in this final SCI - Second Revision.

## 2 Consultation on Planning Applications

### Pre-application advice

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

- 2.1 Pre-application advice in respect of the applications other than householder proposals is provided to customers wishing to seek the opinion of a Planning Officer 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 and ensure the necessary supporting information is submitted to aid its consideration.
- 2.2 Further details relating to the pre-application advice service and the associated charges can be viewed using the following link:  
<http://www.basildon.gov.uk/article/3616/Pre-Planning-Application-Advice>
- 2.3 Details relating to pre-application advice requests are not treated in the same way as planning applications. The content of the application form, supporting documents submitted and any meetings held are confidential. If the applicant goes onto apply for planning permission, the planning application form requests details of any pre-application advice if it is sought. Under the Freedom of Information Act, it is possible that the Council could be asked to provide information regarding enquiries for pre-application advice and provide copies of any correspondence or advice that has been given. The Council can only withhold this information if its disclosure could prejudice commercial interests, inhibit the provision of advice or exchange of views during the planning process, or could prejudice the effective conduct of public affairs. Those seeking pre-application advice should provide a covering letter that sets out the reasons why, and for how long, any information relating to the case needs to remain confidential. It will be for the Council to decide whether information can be treated as exempt from disclosure. Generally, notes and correspondence relating to pre-application discussions will not be treated as confidential once a planning application has been submitted and the case is in the public domain.

#### Householder development

- 2.4 Those looking to make applications for householder development (such as porches, extensions, outbuildings, etc) are encouraged to 'self-serve' by:
  - Visiting the Council's website: [www.basildon.gov.uk/planning](http://www.basildon.gov.uk/planning) which contains information on how to apply for planning permission
  - Reviewing the Planning Policies and Development Control Guidelines, that sets out the considerations applied when an application is assessed by the Council
  - Visiting the Planning Portal: [www.planningportal.gov.uk](http://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 and how to go about applying for planning permission, if it is required.
- 2.5 Alternatively, householders could seek the independent advice of a Planning Agent or Planning Consultant. Many are listed in the local press, on the Internet or The Royal Town Planning Institute (RTPI) have an online directory: [www.rtpiconsultants.co.uk](http://www.rtpiconsultants.co.uk).

- 2.6** 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 them and further help is provided subject to meeting eligibility criteria.

#### **Other development**

- 2.7** 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.
- 2.8** 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 context in advance of discussions, and that this is shared with the Council.
- 2.9** Any advice given by the Council in relation to pre-application enquiries will be based on the case officer's professional judgement and will not constitute a formal response or decision of the Council with regard to any future planning applications. Any views or opinions expressed will be given without prejudice to the consideration by the Council of any formal planning application, which will be subject to wider consultation and publicity. Although the case officer may indicate the likely outcome of a formal planning application, no guarantees can or will be given about the decision that will be made on any such application.
- 2.10** 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**

- 2.11** 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 LPA were to take on this role, it would raise expectations that development is to take place or is being promoted by the Council, 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 533333
- In writing - by email: [planning@basildon.gov.uk](mailto:planning@basildon.gov.uk) or by post: Planning Services, Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon SS14 1DL

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

## **Planning Applications**

### **Informing people about planning applications**

**2.12** This section indicates how the Council, as the LPA, will inform people about applications that are submitted for determination. This will detail who can comment on applications, how comments can be made and the ways in which various types of planning applications will be advertised to the public.

### **Who may comment on a planning application?**

**2.13** Anyone may comment on a planning application.

### **Commenting on a planning application**

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

## Make Comments

Comments can be made:

- In writing: by email: [planning@basildon.gov.uk](mailto:planning@basildon.gov.uk); or by post to: Planning Services, Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14 1DL
- Entering comments online via our website: [www.basildon.gov.uk/eplanning](http://www.basildon.gov.uk/eplanning) and registering as a user. The website also allows planning applications to be tracked, searches to be saved and notifications to be set up.

Comments cannot be made:

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

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

**2.15** Comments made on a planning application are a matter of public record and are available to anyone who wishes to view them.

**2.16** 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.

**2.17** When making a decision on a planning application the Council can only take into account the Council's adopted planning policy documents, Government planning advice and any comments made by the public and statutory consultees. The Council can only consider comments which relate to material planning considerations. These include, amongst other things:

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- The effect on a Listed Building and/or a Conservation Area
- Layout and density of building
- Design, appearance and materials
- Disabled persons' access
- Nature conservation

**2.18** The following matters are generally *not* considered material or relevant:

- Loss of view
- Negative effect on the value of properties
- Issues covered by other laws e.g. Licensing, Building Control, Health and Safety Regulations

- Private property rights (e.g. boundary or access disputes)
- The developer's morals, motivation or activities
- Competition between businesses
- Characteristics protected by the Equalities Act 2010<sup>(1)</sup>.

**2.19** Further advice can be sought from a number of external organisations with regards to comments on a planning application, further details can be found in the Council's document titled 'Looking for help with Planning' which is available to view on the website.

**2.20** Anyone who comments on an application and gives a complete postal or email address for written correspondence shall be notified in writing of the decision when it is made. Where an email address is provided the decision will be sent using email as this is more cost effective.

**2.21** Petitions submitted **prior to the determination** of an application will be considered by the Council on the matters raised within them. Further details on the submission of petitions can be found on the Council's website in the document titled 'Petitions Scheme Guidance'.

### **How the Council will treat objections and representation of support**

**2.22** 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:

- a. All comments relating to planning matters will be noted within the application and addressed in the Officer's Report;
- b. The Officer's Report is available to the decision maker at the time of determination<sup>(2)</sup>;
- c. The Council will consider all material considerations, but will not consider immaterial considerations;
- d. Comments made on a planning application are a matter of public record and are available to anyone who wishes to view them; and
- e. 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.

**2.23** 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.

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

2 Depending on the level of delegation, this may include the Planning Committee, the Manager of Planning Services, the Development Control Manager or Principal Planning Officers.

## How we will advertise an application

- 2.24** 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.
- 2.25** There are several different types of application that are determined by the Council. For this SCI 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 and Conservations Areas
  - D. Lawful Development Certificates (existing and proposed)
  - E. Telecommunications
  - F. Amendments to Applications
  - G. Prior Approvals

### A. For All Applications

- 2.26** Acknowledgement of receipt of a planning application will be made to the agent, or the applicant if there is no agent, within 3 working days of registration<sup>(3)</sup> and the acknowledgement will state:
- Whether the application is valid and, if so,
  - The deadline for determination of the application as given by the relevant legislation. The statutory time limits are usually 13 weeks for applications for major development and eight weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies).
- 2.27** The acknowledgement will be sent by email where possible, if an email address is not provided the acknowledgement will be sent by post.
- 2.28** The application shall be entered onto a Register of Applications Received<sup>(4)</sup> which is updated weekly and also known as the 'Weekly List'. 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 e-Planning system, at: <http://www.basildon.gov.uk/eplanning>
- 2.29** 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](#).

<sup>3</sup> In accordance with the Town and Country Planning (General Development Procedure) (England) Order 2015

<sup>4</sup> In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

**2.30** In addition, the Council will endeavour to put as much information as possible on its online e-Planning 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.

**2.31** Some applications are resubmissions of previous applications<sup>(5)</sup> which generally follow a refusal of planning permission. Where a resubmission is identified, the Council will notify in accordance with sections A to G, 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**

**2.32** Applications of these types are split into two categories, ‘minor’ and ‘major’ development, with ‘major’ sub-divided into smallscale and largescale major. This is done for monitoring purposes, but the way in which the Council will advertise an application is comparable to this coding. The Categories of Major and Minor Development table 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 2.1 Categories of Major and Minor Development

Source: Communities and Local Government, February 2008

**Minor Development**

**2.33** 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/altered, or the area of land identified as the application site.

**2.34** Many of these applications have only a localised impact and the extent of the Council's consultation reflects this. For householder and minor applications the following advertisement process will be undertaken:

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

- Neighbouring properties<sup>(6)</sup> populated from the National Land and Property Gazetteer shall be notified by post, and/or by the erection of a site notice<sup>(7)</sup> and 21 days shall be given to comment on any planning matters;
- 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;
- 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; and
- Local Councils will be directly advised upon the receipt of an application within the area that they cover.

### Major Developments

**2.35** 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<sup>(8)</sup>. For larger sites several notices may be erected on appropriate pedestrian routes adjacent and nearby the site;
- 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 a minimum of 21 days shall be given to comment on any planning matters;
- Local Councils will be directly advised upon the receipt of an application within the area that they cover; and
- Key public and statutory stakeholders will be consulted in writing.

### C. Listed Buildings and Conservation Areas

**2.36** 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<sup>(9)</sup>;
- Local Councils will be directly advised upon the receipt of an application within the area that they cover; and
- The application will be advertised in a local newspaper.

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

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

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

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

## D. Lawful Development Certificates (existing and proposed)

- 2.37** 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 <sup>(10)</sup> or immune from enforcement action due to the time that the use or structure has existed<sup>(11)</sup>.
- 2.38** 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 Solicitor of the Council on the need for further information to corroborate the evidence submitted by the applicant.
- 2.39** 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.
- 2.40** 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. The consultation arrangements will be as set out in section A-C.

## E. Telecommunications

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

(a) Permitted Development<sup>(12)</sup>

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, site notices and newspaper advertisement, depending upon the nature 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, 2013).

10 As defined by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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

12 As defined by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).



- 2.42** A list of all Permitted Development notifications and applications received for most 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**

- 2.43** There is scope for applications to be amended by the applicant on request to the LPA, both during the application process or following a decision.
- 2.44** 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. If the application has the potential to lead to new or different views being made, a further 7-14 days (depending on nature of the amendment) may be given for additional comments.
- 2.45** If the amendment would result in the decision exceeding the target timescale the agent/applicant and LPA may enter into a Planning Performance Agreement (PPA) where an extension to the decision date would be agreed.
- 2.46** Material alterations to determined applications will require a new application and consultations will be carried out as identified for the application type.
- 2.47** 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 carry out any consultation or publicity. As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply. The LPA must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

## **G. Prior Approvals**

- 2.48** There are a number of recent changes to planning legislation under the Town and Country Planning (General Permitted Development) (England) Order 2015 that have introduced methods of changing the use of a property and carrying out larger householder extensions without the need for planning permission. These types of application are instead subject to a prior approval consultation.

### **Larger Householder Extensions**

- 2.49** Where a householder would like to build a larger extension under the newer permitted development rules <sup>(13)</sup>, they must provide the Council with 42 days advance notification. The Council then has a statutory duty to notify adjoining neighbours of the proposal only as outlined in the regulations. This will be done in writing by post and the adjoining neighbours will have 21 days to respond in writing.
- 2.50** There are several outcomes of prior notifications:
- prior approval is not required

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13 The Town and Country Planning (General Permitted Development) Order 2015 (as amended) currently allows temporary increases to the size limits for single-storey rear extensions that must be completed by 30 May 2019. Applicants can apply with the intention to use the permitted development rights to build a single-storey rear extension of greater than four metres up to eight metres for a detached house and greater than three metres up to six metres for any other type of house outside Article 2(3) land\* and sites of special scientific interest.



- prior approval is required when an objection has been received from a neighbour - an assessment then takes places and then the extension is granted approval; or
- prior approval is required when an objection has been received from a neighbour - an assessment then takes places and then the extension is refused approval

**2.51** A full planning application will only then be required to be submitted where the prior notification application is refused because it would harm the amenity of neighbouring residents, or the proposal falls outside of what permitted development regulations allow because consultation would be undertaken on the full application in accordance with sections A and B.

### Changes of Use

**2.52** Where an applicant would like to change the use of a property under the prior approval scheme, they must provide the Council with 56 days advance notification. For these applications, the regulations state that the Council must erect a site notice, directly consult adjoining neighbours and directly consult statutory bodies to determine whether there are transport and highways impacts from the development, contamination risks on the site and/or flooding risks on the site. Neighbours will be contacted in writing by post. They will have 21 days to respond in writing.

### Consultations

**2.53** There are a number of statutory consultees that the Council is obliged to notify for certain planning applications (for example Natural England and the Environment Agency, etc.). These are detailed within the The Town and Country Planning (Development Management Procedure) (England) Order 2015.

**2.54** 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. For example where a site could be potentially harmful to existing wildlife designations the Council would consult organisations such as the RSPB and Essex Wildlife Trust.

**2.55** The Council is required, under the Duty to Cooperate<sup>(14)</sup>, to consult adjoining authorities and prescribed bodies on the preparation of Local Plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic matters, defined as matters affecting more than one planning area.

**2.56** 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.

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14 As defined by the Localism Act 2011

## Decisions

### How will decisions be taken?

**2.57** Decisions on planning applications are taken by officers or elected members of the Council depending on the type of application being considered<sup>(15)</sup>. There are three avenues for a decision to be made:

#### By a Delegated Officer

**2.58** Delegated decisions can be taken by an agreed delegated officer<sup>(16)</sup> following a report and recommendation by a Planning Officer.

#### By the Chairman of the Planning Committee

**2.59** 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 Planning Committee for a decision.

**2.60** Occasionally applications may be 'carried forward' to be considered a week later, should the Chairman raise issues or wish further time to consider.

#### By the Planning Committee

**2.61** For applications determined by the Planning 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 committee agenda, which will be available in advance of the meeting<sup>(17)</sup>.
- 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<sup>(18)</sup>.

**2.62** Applications will be taken to the Planning Committee for many reasons, including public interest, uniqueness, scale, to establish the view of the Committee Members or to ensure transparency.

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15 The governance rules of the way planning applications are decided by the Local Planning Authority falls under the remit of the Council's Constitution "The Way We Work", Basildon Borough Council, July 2015

16 Depending on the level of delegation, this may be the Group Manager of Regulation 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 how to do this are set out in the correspondence notifying interested parties about a committee meeting. Comments on planning applications made verbally at committee meetings by interested parties are summarised in the committee minutes.

- 2.63** Where an application is to be determined by the Planning Committee, the Council will inform all those that commented on the application of the date, time and location of the meeting a week beforehand.
- 2.64** For further information, refer to the "Scheme of Delegation"<sup>(19)</sup> which sets out when each of the above may occur.
- 2.65** How will people be informed of a decision
- 2.66** 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 email or 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; and
    - Details of how to appeal against the decision or against any conditions imposed.
  - The decision will be entered on the e-Planning section of the Council's planning web site on the next working 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 e-Planning web page, 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 Council and gave a full postal or email address for written correspondence shall be notified of the decision when it is issued. These notification letters/email's 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 the e-Planning web page and at The Basildon Centre.
  - All decisions are entered onto a register of applications that have been determined<sup>(20)</sup>, which is updated weekly. This is available from:
    - The Basildon Centre, St Martin's Square, Basildon SS14 1DL
    - The Council's website, via its e-Planning system, at: <http://www.basildon.gov.uk/eplanning>
  - A particular decision can be communicated over the phone by contacting Planning Administration on 01268 533333.
- 2.67** For Committee decisions, the minutes of the meeting will usually be available on the Council's website within 5 working days of the decision.

19 The Council's Constitution "The Way We Work", Basildon Borough Council, July 2015 (Part 3, Schedule 2). The contents of the Constitution are subject to change. The SCI reflects the version as of July 2015.

20 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

## Planning Appeals

### Dealing with Appeals

- 2.68** If an agent or applicant is aggrieved by the Council's decision it is recommended that before making any appeal the party seeking permission should first consider re-engaging with the local planning authority to discuss whether any changes to the proposal would make it more acceptable and likely to gain permission. It is possible that a further planning application may be submitted without charge
- 2.69** The next option may be to appeal to the Planning Inspectorate who will act on behalf of the Secretary of State. The Secretary of State has the power to direct the local planning authority to refer an application to him for decision. This is what is meant by a 'called-in' application.
- 2.70** 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; and
  - Against non-determination of an application.
- 2.71** Where an appeal is made, the Council will follow the legislation on appeal procedures. The relevant ward Members will be notified. Original letters of representation, objecting or supporting, will be sent to the planning inspectorate.
- 2.72** The Council will inform contributors 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 their original comments will be taken into consideration; and
  - How they may make further representations to the Planning Inspectorate and the deadline for such comments to be received.

### Inquiry process

- 2.73** Some appeals, especially those dealing with bigger proposed developments, are heard by public inquiry. Local people are encouraged to attend and take part in the inquiry process. Details will be given to any original contributors in writing of when and where the inquiry will be and a notice will be displayed at the location of the inquiry. Further representations can be made and sent direct to the planning inspectorate prior to the inquiry providing they are received before the deadline date as detailed in the notification letter. Appeal documentation can be viewed at the LPA offices prior to the inquiry.
- 2.74** Nearly all appeals are dealt with by a planning inspector, only a small amount are dealt with by the Secretary of State, usually only large or contentious sites.
- 2.75** The planning inspector will normally allow members of the public to speak, details relating to the process can be found on the Planning Portal website along with details on the appeal process:  
<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

- 2.76** All appeals lodged with the Council and decided by the Planning Inspectorate are available to view on the Council's website, via the e-Planning system, at: <http://www.basildon.gov.uk/eplanning>

#### **Contact Details for The Planning Inspectorate**

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

The postal addresses for completed appeal forms (England) are: Enforcement and Lawful Development Certificate appeals, The Planning Inspectorate, PO Box 326, Bristol BS99 7XF

Other appeals; The Planning Inspectorate Registry/Scanning, room 3/01 kite Wing, temple Quay House, 2 The Square, temple Quay, Bristol BS1 6PN

Tel: 0303 444 5000 Email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

### 3 Public Involvement in Planning Enforcement

#### Types of complaint that can be investigated

- 3.1** The NPPF states in paragraph 207 that “Effective enforcement is important as a means of maintaining public confidence in the planning system”.
- 3.2** Local planning authorities have discretion to 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 (A Section 215 Notice can be served on the owner or occupier of any private land or building which is in an unreasonably untidy condition and which the Council consider has an adverse affect on the amenity of the area.).
- 3.3** Matters such as boundary disputes, encroachment, trespass, loss of views and competition between businesses fall outside the remit of planning enforcement and will not therefore be investigated by the Council. These are private matters that need to be resolved by the aggrieved parties involved.
- 3.4** Any issues relating to Highways such as potholes and footpath damage are dealt with by Essex Highways and not the LPA. Information on how to report a problem can be found on their website: <http://www.essexhighways.org>
- 3.5** Further details relating to the enforcement of planning controls are set out in the Council's Regulatory Services Enforcement Policy which was adopted by the Council's cabinet in February 2015 and it can be viewed on the Council's website.

#### Your involvement in planning enforcement

- 3.6** Your help is vital to the success of our planning enforcement service. The planning enforcement officers investigate reported breaches of planning control. They rely on the public, as well as Local and Borough Councillors, to be the local eyes and ears in the community.
- 3.7** 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 the enforcement team know about any suspected breaches of planning control.
- 3.8** When reporting a suspected breach of planning control please provide the Council 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 the Council respond quickly and effectively.
- 3.9** In order to report a suspected breach of planning control please either telephone: 01268 533333, complete the online form available on the Council's website or email: [planning@basildon.gov.uk](mailto:planning@basildon.gov.uk)

### **Will my complaint be confidential?**

- 3.10** Yes, your personal details will remain confidential and will not be given to the person or company you have complained about.
- 3.11** In certain serious cases when enforcement or legal action is taken, the Council may ask you to help provide 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**

- 3.12** A letter of acknowledgement will be sent out by email or post within five working days of the receipt of a complaint.
- 3.13** Both the complainant and the contravenor 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 what action will be taken, if any is required, to remedy any breach of planning control identified.

### **How long will it take to deal with the complaint?**

- 3.14** Complaints will normally be dealt with in accordance with their urgency. The Council's Enforcement Policy 2015 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.
- 3.15** The enforcement team aim to instigate the investigation of complaints in accordance with this prioritisation.
- 3.16** Most complaints will be processed within 12 weeks. However, some complaints cannot be dealt within 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.

## 4 How the Council will consult on Local Plan documents

### Introduction

- 4.1 Local Planning Authorities (LPAs) have the responsibility of preparing a Local Plan for the future of their areas. The Local Plan guides new development, setting the overall planning strategy for the area and setting policies and proposals for what development can and cannot happen and where.
- 4.2 Planning Practice Guidance recommends the consolidation of the Local Plan into one document to simplify the plan making process and to reduce the amount of formal consultations that would have previously been required through separate documents. Basildon Council is working towards the production of its consolidated Local Plan. Details of the time scales proposed can be viewed through the Local Development Scheme (LDS) on Basildon Council's website: [www.basildon.gov.uk](http://www.basildon.gov.uk)
- 4.3 The Town and Country (Local Planning) (England) Regulations 2012 set out the procedures to be followed by LPAs in relation to the preparation of local plans and supplementary planning documents. This includes consultation with interested persons and bodies and the documents which must be made available at each stage. The Regulations are subject to change over time and the Council will comply with the relevant Regulations in force at the time.

### The Local Plan and Consultation

- 4.4 The Local Plan will have to be widely consulted on and there is a formal process of consultation with minimum engagement requirements that all Local Plans need to go through. The minimum requirements for engagement are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and are shown in more detail in the flow chart below Figure 1.





Figure 1 Local Plan flow chart

- 4.5** Local plans and other planning documents are required by the NPPF to be evidence based. This evidence base, along with statutory assessments including as a minimum a Strategic Environmental Assessment and a Service Impact Assessment, will be made available alongside any consultation document for all stakeholders to consider when determining the implications of the Local Plan for them, and any consultation response they may wish to make.

#### Who can be involved

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

#### How people can be involved

- 4.7** The scale of consultation is likely to vary with the type of document being produced. Some methods will be more appropriate than others, depending on who is to be involved and the type of consultation. Some methods 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. Details of the different methods of consultation that may be used by Basildon Council can be viewed in Appendix 2: A selection of consultation methods.
- 4.8** 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'. The following list is neither inclusive nor exclusive, but reflects seldom heard groups within the community as a whole:

- young people;
- older people;
- 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.

**4.9** The reasons why these groups may be difficult to engage with and as a result are “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, hear or communicate verbally (speech impairment);
- 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.

**4.10** 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 or reasonable adjustments in place to try and ensure that the opportunity for those seldom heard groups to make comments are made (e.g. the Youth Council, social media, focus groups, face-to-face meetings, etc.).

**4.11** The Council will attempt to ensure that everyone has the same access to consultation documents and events, for example ensuring that venues are accessible for disabled people, older people with mobility issues and people with pushchairs and that consultation will be avoided during a religious festive period. It is important to recognise that the Council has limited resources, but it will however attempt to engage and facilitate participation in its Local Plan preparation. The Council has minimum requirements (set out in the relevant regulations) to meet for consultation however it will strive to exceed them.

## Commenting on the Local Plan

### How to comment

Comments can be made by:

- In writing - by email: [planningpolicy@basildon.gov.uk](mailto:planningpolicy@basildon.gov.uk) or by post to: Planning Policy, Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14 1DL;
- Entering comments online via our consultation portal website: <http://basildon-consult.limehouse.co.uk/portal>. and registering as a user.

The website also allows planning applications to be tracked, searches to be saved and notifications to be set up. The Consultation Portal enables consultees and agents to participate in Local Plan consultations quickly and easily online. People interested in the Local Plan can register for a Local Plan 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 Local Plan consultations easily. To register, log onto the Consultation Portal 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 Local Plan subjects which most interest you.

**4.12** There are some types of comments that cannot be considered due to their nature. The criteria below are applied when making decisions as to which comments will be considered:

	Criteria	Description	Council Response
Criteria 1:	Expressing or inciting hatred	Someone with intent to act or incite others based on overt discrimination or hatred.	These comments should not be taken into account. The comment and details should be reported to the police for them to deal with.
Criteria 2:	Discriminatory opinion	An opinion which singles out a particular group of people with no logical explanation. This would include stereotyping.	These comments should not be taken into account. The Council do not tolerate any form of discrimination and any comments that are discriminatory will not be included in the report or any decision-making process.
Criteria 3:	Genuine opinion	An opinion that may single out a particular group, but there is a valid explanation and rationale with regards to the issues raised.	These comments should be taken into account. Valid responses should be included as part of the consultation.

Table 4.1 Consultation Response Criteria

- 4.13** All comments received as part of a planning policy consultation will be collated, analysed and taken into account in decisions made by the Council. Where appropriate, changes will be made to the Local Plan to reflect comments received before it is progressed to the next stage.
- 4.14** Comments received as part of the Local Plan consultation will be published on the website and be available to view following the publication of the Statement of Consultation/Consultation Statement which will be in accordance with the Council's Constitution "The Way We Work" (July 2015).

### **Duty to Cooperate**

- 4.15** The Localism Act 2011 (Section 110) places a 'duty to co-operate' on the plan making process of all LPAs. The Duty requires on-going, constructive and effective engagement on matters of strategic cross-boundary significance in plan making with the Council's partners. This requires neighbouring authorities and other statutory bodies to consider joint approaches to plan making.
- 4.16** As part of the consultation process, at the early stages of document preparation, the Council will liaise with the duty to co-operate bodies to ascertain what aspect of the plan preparation they wish to be engaged with and how. This may also provide an opportunity for joint working and establishing a shared evidence base.
- 4.17** Basildon Council is committed to fulfilling the Duty and will work closely with neighbouring local authorities and other partner organisations and stakeholders (as detailed on the website: <http://www.basildon.gov.uk/article/2012/Timetable-and-Consultation-Standards>) to address strategic cross boundary issues.

### **Consultation on Supplementary Planning Documents**

- 4.18** Supplementary Planning Documents (SPDs) can be used to add greater detail to policies within the Local Plan. They can be topic or area based and they must conform with policies contained within the Council's adopted local plan and be consistent with national policies, for example the Planning Obligations Strategy SPD 2015 and Billericay Conservation Area Shop Front and Design Guide SPD 2015. Whilst SPDs do not have the same weight as the Local Plan they will be a material planning consideration for planning applications and planning decisions.
- 4.19** The statutory requirements for preparing SPDs are set out within the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 12 covers Public Participation and Regulation 14 covers the Adoption of SPDs.
- 4.20** The minimum consultation period required for SPDs is four weeks and no independent examination is required.
- 4.21** Details of each stage of the SPD process are given below:
- Stage 1 - Pre-Production - The Council develop and gather a range of evidence to support the development of the document. This ensures the Council has a good understanding of the issues before the SPD is prepared. At this stage there is no formal period of consultation. However, the Council will informally consult with any stakeholders or bodies it considers appropriate in order to inform the preparation of the SPD.
  - Stage 2 - Following the responses gained from stage 1 the Council will draft the SPD. A Sustainability Appraisal will be required to assess the sustainability impacts

of the SPD. At this stage the Council will undertake formal public consultation on the draft SPD for a minimum of four weeks. However, this may be extended if they overlap with defined holiday periods. Specific/general consultation bodies, 'Duty to Co-operate bodies', any other key stakeholders and the local community will be formally consulted. Once the consultation period has ended, the Council will produce a Consultation statement which will set out the main issues received during the consultation on the Draft SPD, and also explaining how representations have been dealt with/considered.

- Stage 3 - The representations made during the Production stage (stage 2) are considered and the Council, where necessary, may modify the SPD. After that the Council will then move to adopt the SPD.

**4.22** The Billericay Conservation Area Shop Front and Design Guide was formally adopted as an SPD following successful in depth community involvement through public consultation carried out by the Council.

### **Consultation statements**

**4.23** 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.

**4.24** 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.

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

**4.25** The Sustainability Appraisal (SA) is an integral part of the plan preparation process and it is required for each Local Plan document and for some SPDs. It looks at the social, economic and environmental implications of a plan seeking to ensure that the document contributes to a sustainable development and that the plan takes the most appropriate approach given reasonable alternatives.

**4.26** The SA will be subject to targeted consultation at its 'scoping' stage, and wider consultation when published for comment alongside a consultation draft Local Plan and submission Local Plan. At each stage of the Local Plan preparation there is a corresponding stage of the SA and the SA documents are made available for comment during public consultation.

**4.27** The SA, where appropriate, will incorporate the Strategic Environmental Assessment (SEA) in accordance with European Directive EC/2001/42. The process is laid out in government guidance. The SEA requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

### **Neighbourhood planning**

**4.28** The neighbourhood planning regime was introduced by the Localism Act 2011 (amending the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004).

- 4.29** The Act introduced Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs) which are a new way of guiding local development.<sup>(21)</sup> NDPs and NDOs provide the opportunity for local councils (parish, town or village council) and community groups (as designated neighbourhood forums) to produce a set of policies for the future development in their neighbourhood areas and to directly grant planning permission for specific types of development within the defined neighbourhood area.
- 4.30** Consultation during the preparation stage of these plans or orders is undertaken by the local council or neighbourhood forum and does not therefore need to meet the requirements of this SCI. However, the Council expects the requirements of any relevant legislation and Regulations to be met by any local council or neighbourhood forum when preparing NDPs and NDOs. Basildon Borough Council, as an LPA, has a statutory duty to assist local councils and neighbourhood forums in the preparation of NDPs and NDOs and to carry out certain duties, such as take them through a process of examination and referendum.
- 4.31** To manage expectations and to ensure that the Council supports all local councils and neighbourhood forums proposing to produce NDPs and NDOs in a fair and equitable way the Council has produced a Neighbourhood Planning Support Policy. Details of this policy can be found on the council's website: <http://www.basildon.gov.uk/planning>. The policy also contains further information on the stages of consultation that are required for local councils and neighbourhood forums to undertake as part of the process.

#### **Consultation of Community Infrastructure Levy (CIL) Schedules**

- 4.32** The Community Infrastructure Levy (CIL) is a charge that is levied on new development floor space which is intended to contribute towards the provision of infrastructure to support growth. Basildon Council are currently preparing a CIL charging schedule in tandem with the LDS timetable for the emerging Local Plan.
- 4.33** There is a statutory process for preparing a CIL Charging Schedule. Regulations 15 and 16 of the Community Infrastructure Regulations 2010 (as amended) require local authorities to undertake a clearly defined procedure prior to adopting a CIL Charging Schedule.
- 4.34** Basildon Council will ensure that its procedures relating to consultation for CIL meet the relevant Regulations.

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21 Regulated by The Neighbourhood Planning (General) Regulations 2012 (as amended)



## Appendix 1 Glossary & Abbreviations

<b>AAP</b>	Area Action Plan	These can be developed to provide the planning framework for areas of significant change.
<b>CIL</b>	Community Infrastructure Levy	The Community Infrastructure Levy is a charge that is levied on new development floor space which is intended to contribute towards the provision of infrastructure to support growth allows local authorities to charge on new developments in their area.
<b>DM</b>	Development Management	Development 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 Local Plan and any other material considerations.
<b>DPD</b>	Development Plan Document	Documents prepared by the local planning authority (including the Local Plan) setting out the main spatial strategy, policies and proposals for the area. These documents will be statutory documents and subject to an independent examination by an Inspector. They will undergo rigorous procedures of community involvement and consultation. DPDs must be consistent with and have regard to national planning policy.
	Evidence Base	The information and data gathered by local authorities to justify the "soundness" of the policy approach set out in Local Development Documents, including physical, economic, and social characteristics of an area.
	Local Council	This is the term used to include Village, Town and Parish Council's.
<b>LDD</b>	Local Development Document	The collective term covering Development Plan Documents and Supplementary Planning Documents.

<b>LDS</b>	Local Development Scheme	This is essentially a programme for the preparation of the Local Plan.
	Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004
<b>LPA</b>	Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
<b>NPPF</b>	National Planning Policy Framework	A document setting out the Government's national planning requirements, policies and objectives. It replaces much of the national advice previously contained within Planning Policy Statements, Planning Policy Guidance, and Circulars. The NPPF is a material consideration in the preparation of LDDs and when considering planning applications
<b>NPPG</b>	National Planning Policy Guidance	Provides details to support the effective implementation of the National Planning Policy Framework.
<b>NDO</b>	Neighbourhood Development Order	Communities can use NDOs to permit the development they want to see - in full or in outline – without the need for planning applications.
<b>NDP</b>	Neighbourhood Development Plan	Neighbourhood forums and local councils can use new neighbourhood planning powers to establish general planning policies for the development and use of land in a neighbourhood.
	Neighbourhood Planning	Introduced by the Localism Act (2011) to allow local communities to shape new development in their area, through the building of homes, jobs and community facilities.
<b>PD</b>	Permitted Development	Minor development or changes of use that can be made to a house or building within the need for planning permission.
<b>P&amp;CPA</b>	Planning & Compulsory Purchase Act 2004	The Act that introduced the Local Developments Frameworks system.



<b>PPA</b>	Planning Performance Agreement	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. 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.
	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.
<b>SA</b>	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 the Local Plan production.
<b>SCI</b>	Statement of Community Involvement	The purpose of the 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 Plan Documents and planning applications.
<b>SEA</b>	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.
	Stakeholder	An individual, organisation or party that has an interest in a project or topic.
<b>SPD</b> <b>SPG</b>	Supplementary Planning Document Supplementary Planning Guidance	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.

		SPDs included in the LDF will be material considerations which have significant weight in the process of making decisions on planning applications.
<b>TDS</b>	Town 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>
<b>VDS</b>	Village Design Statement	

Table 1.1

## Appendix 2 A selection of consultation methods

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
<b>KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK</b>			
Letter	<ul style="list-style-type: none"> <li>Direct</li> <li>Personal</li> </ul>	<ul style="list-style-type: none"> <li>Labour intensive, high cost</li> </ul>	I, C, F
Internet/website	<ul style="list-style-type: none"> <li>Accessible 24/7</li> <li>Convenient</li> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>Limited number of people may not have access, e.g. to Internet</li> <li>Impersonal</li> <li>Requires Internet connection and computer access as well as computer literacy which could exclude some people</li> <li>For surveys it may be hard to verify accuracy of respondent details (so may get some multiple replies, replies from outside the area etc)</li> <li>Specialist help usually required in designing web pages, discussion forums and possibly analysing responses</li> <li>Initial infrastructure costs</li> </ul>	I, C, F
Media - Newspaper article/press release	<ul style="list-style-type: none"> <li>Wide reaching; high profile</li> <li>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.</li> <li>Low cost</li> </ul>	<ul style="list-style-type: none"> <li>No editorial control</li> <li>Take up varies</li> </ul>	I
Media – advert/notice	<ul style="list-style-type: none"> <li>Wide reaching</li> </ul>	<ul style="list-style-type: none"> <li>High Cost</li> </ul>	I
Leaflets/Brochures	<ul style="list-style-type: none"> <li>Targeted, feedback</li> </ul>	<ul style="list-style-type: none"> <li>Size limited, high cost</li> </ul>	I, C
Public exhibitions/ displays/ road shows*	<ul style="list-style-type: none"> <li>Locally targeted</li> <li>Direct interaction</li> <li>Both give and receive information. Information can be given in a range of ways (words, pictures/ graphs/ diagrams, models,</li> </ul>	<ul style="list-style-type: none"> <li>Unrepresentative</li> <li>Localised</li> <li>May not promote full consultation</li> <li>Labour intensive to prepare and staff; high cost</li> </ul>	I, C

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
<b>KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK</b>			
	<ul style="list-style-type: none"> <li>etc. and can provide for first hand experience).</li> <li>Drop-in facility means it can be convenient for more people</li> <li>The principles will be familiar to most people</li> </ul>		
Written consultation/ referenda/ community surveys	<ul style="list-style-type: none"> <li>Covers issues</li> <li>Specific and quantifiable</li> <li>Useful where questions and issues understood</li> <li>May be easier to reach people geographically dispersed. If sending to larger numbers of people is more inclusive and seen to be consulting people</li> <li>Respondent has more time to consider answers</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>Questions have to be meaningful, understandable and useful; Survey structure can determine responses.</li> <li>May be unrepresentative depending who decides to respond.</li> <li>Need statistically robust selection; Analysis can be extremely time consuming</li> <li>Cost – including information and publicity costs</li> </ul>	C
Citizens Panel	<ul style="list-style-type: none"> <li>Already established</li> <li>Wide coverage</li> <li>Representative sample of the Borough's population</li> </ul>	<ul style="list-style-type: none"> <li>Response rates vary</li> <li>Questionnaires may disadvantage those who have difficulty with the reading or the language used</li> <li>People on the panel become more knowledgeable than the general public over time, and therefore less representative</li> <li>May not generate wider involvement</li> <li>High Cost</li> </ul>	C
Public meetings*	<ul style="list-style-type: none"> <li>Informs</li> <li>Promotes debate</li> <li>Gives a large number of people, with open invitation, the chance to have their say</li> </ul>	<ul style="list-style-type: none"> <li>Suited to vocal public</li> <li>Could be confrontational</li> <li>Cost</li> <li>Labour intensive</li> </ul>	C, P

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
<b>KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK</b>			
Focus Groups*	<ul style="list-style-type: none"> <li>• Suited to group working</li> <li>• Good for issues where need in-depth qualitative view.</li> <li>• Useful to generate questions for quantitative analysis or analyse and explain after quantitative survey.</li> <li>• Can be used to assess reaction to proposed changes.</li> <li>• Avoids just hearing the 'loudest voices'. May be used to focus on sections of the community commonly excluded.</li> <li>• 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</li> <li>• Good for accessing Seldom Heard</li> </ul>	<ul style="list-style-type: none"> <li>• Small representation</li> <li>• High Cost</li> </ul>	C, P
Pre existing panels/ area forums, including the Local Strategic Partnership	<ul style="list-style-type: none"> <li>• Already established</li> <li>• Good for reaching people in their own areas and addressing specific local concerns.</li> <li>• Regular updates</li> </ul>	<ul style="list-style-type: none"> <li>• May not generate wider involvement</li> <li>• Suited to vocal public</li> <li>• Unlikely to be representative; could end up being dominated by a small clique</li> <li>• Cost; Labour intensive</li> </ul>	C, P
Workshops - including engagement with 11-18 age group through school	<ul style="list-style-type: none"> <li>• Suited to small groups</li> <li>• Discussion of issues</li> <li>• Good for accessing Seldom Heard</li> </ul>	<ul style="list-style-type: none"> <li>• Small samples, possible bias</li> </ul>	C, P
Drop in surgery or meeting	<ul style="list-style-type: none"> <li>• Direct, personal</li> </ul>	<ul style="list-style-type: none"> <li>• Labour intensive</li> <li>• Small representation</li> <li>• Needs resourcing</li> </ul>	C, P
Steering/Advisory Group/ Service User Group	<ul style="list-style-type: none"> <li>• Community steer</li> <li>• Suited to specific topics; enables in put from stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>• Potential exclusivity; Unlikely to be representative</li> </ul>	C, P

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
<b>KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK</b>			
	<ul style="list-style-type: none"> <li>• Council can design the group to meet its needs</li> <li>• A chance to discuss the issues with the people who know.</li> <li>• Can help generate new ideas and provide early warning of problems</li> </ul>	<ul style="list-style-type: none"> <li>• High Cost; Labour intensive</li> <li>• May be difficult to recruit people to a Council panel</li> </ul>	
Speaking at Council committee meetings	<ul style="list-style-type: none"> <li>• Best suited to specific issues such as planning applications</li> <li>• Allows direct, systematic dialogue between</li> </ul>	<ul style="list-style-type: none"> <li>• Not available for all meetings</li> <li>• Suited to vocal public; Could be confrontational</li> <li>• Small representation</li> <li>• Unlikely to be representative on wider issues</li> </ul>	P
<p>Planning for Real/ Concept Statements / Community planning events</p> <p>- Models, site visits, photos and other illustrations are used interactively, to allow the public to influence planning, development and environmental decisions.</p>	<ul style="list-style-type: none"> <li>• Allows communication in a medium most people can work with, not requiring high literacy.</li> <li>• People can see the results of different options.</li> <li>• People involved in the decision making, making use of local knowledge, helping generate options, not just consulted on them.</li> <li>• Allows people to raise problems in a non-confrontational way.</li> <li>• Particularly appropriate for physical / geographical issues.</li> </ul>	<ul style="list-style-type: none"> <li>• People need to attend to be involved so may exclude some and not be totally representative</li> <li>• Labour intensive; expensive, especially preparation costs for Planning for Real models.</li> </ul>	C, P
Social media - Facebook and Twitter	<ul style="list-style-type: none"> <li>• Wide audience</li> <li>• Immediate response</li> <li>• Cost effective</li> <li>• Quick way of raising awareness</li> </ul>	<ul style="list-style-type: none"> <li>• Limited number of people may not have access to Internet</li> <li>• Requires Internet connection and computer access as well as computer literacy which could exclude some people</li> </ul>	I, C, P, F

Table 2.1

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





Monday to Friday  
10am to 5pm



**Basildon Council**  
BASILDON • BILLERICAY • WICKFORD

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Pre preklad prosim volajte (Slovak)

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