



# Basildon Borough

**Local Development Scheme 2018 – 2020**

10<sup>th</sup> Edition

Effective from 20 July 2018

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## 1. Introduction

Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Council as a Local Planning Authority (LPA) to prepare and maintain a *Local Development Scheme* (LDS). This LDS replaces the 9<sup>th</sup> edition of the LDS for 2017-2019 that was brought into effect in October 2017.

This version was approved by the Strategic Planning and Infrastructure Committee on 28 June 2018, adopted by the Council on 19 July 2018 to come into effect on the 20 July 2018.

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

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

### Progress during 9<sup>th</sup> Edition

#### Policy Preparation

Since the 9<sup>th</sup> edition was approved, the Council has made significant progress on the preparation of a Development Plan for its area. This has included:

- The approval of a Publication Local Plan by Council on the 22 March 2018. Whilst this is subject to review as part of this Local Development Scheme, the elements to be reviewed are specified and focused.
- The formation of the Association of South Essex Local Authorities (ASELA) via a Memorandum of Understanding, and the preparation of a Statement of Common Ground addressing strategic cross boundary matters including the provision of housing within South Essex. This Local Development Scheme includes the programme for the preparation of the Joint Strategic Plan (JSP) needed to fulfil the Statement of Common Ground. Work has been completed in relation to the evidence base for the JSP as part of previously existing arrangements.
- The agreement of a Memorandum of Understanding with 10 other Essex authorities and Natural England to prepare a Recreation Avoidance and Mitigation Strategy (RAMS) for the Essex Coast Natura 2000 sites in order prevent in-combination harm to those habitats. This will enable the plans of all 11 authorities to be adopted in compliance with the Habitat Regulations. This Local Development Scheme make provision for the delivery of the RAMS through Supplementary Planning Guidance.
- On an Essex-wide level the Essex Planning Officers Association (EPOA) has been working across Essex to develop shared evidence base work such as the Greater Essex Growth and Infrastructure Framework (GIF), and also shared work around the accommodation needs of Gypsies and Travellers. This will continue in order to ensure that the need for transit sites is addressed. Work

has also been complete on a protocol intended to enable more effective, meaningful cooperation between authorities when addressing cross boundary strategic housing issues.

### Operational Progress

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

- Planning Officers have undertaken refresher training with two former Planning Inspectors to ensure the Council is ready for the EiP and the processes and protocol involved;
- The Planning Inspectorate remains informed of progress under the LDS to ensure it remains more likely to provide a Planning Inspector for the Basildon Borough Local Plan when requested; and
- A service level agreement is in place with Essex County Council's Minerals and Waste Planning team to provide additional officer support, if required, to reduce the risk of not being able to achieve the timetable set out in this document due to professional capacity.
- Experienced Programme Officer services have been secured. The Programme Officer is a unique and specialist role which provides all administrative, organisational and communication support for the Examination in Public between the Planning Inspector, the Council and participants. Early engagement of a Programme Officer ensures that the Regulation 19 consultation is effective, and there is adequate project handover into the Examination in Public process.

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

The Local Development Scheme has two principal purposes:

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

### **Minerals and Waste Planning**

Essex County Council is the Minerals and Waste Planning Authority for Basildon borough. The Essex Minerals Plan was adopted by the County Council in 2014. The Replacement Waste Local Plan was adopted in July 2017. These documents constitute part of the Development Plan for the borough. Further information on the Essex Minerals Plan and the Replacement Waste Local Plan can be found by visiting the Essex County Council website: [www.essex.gov.uk](http://www.essex.gov.uk)

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

The Localism Act 2011 introduced new rights and powers which allow local communities to shape how their local areas develop and change by preparing

Neighbourhood Development Plans (NDPs). They can be prepared by town, village or parish councils or by 'neighbourhood forums' in unparished areas, and must be in conformity with the Local Plan for the area.

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

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

### 3. Monitoring and Review

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

### 4. Timetable

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the stages for preparing a Local Plan. The same stages would also apply to the Joint Strategic Plan. These stages are:

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

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

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

- AVL – Approval of Charging Schedule

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

## 5. Statutory Assessments of the Local Plan and Joint Strategic Plan

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

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

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

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

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

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

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

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

## 6. Statement of Community Involvement

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

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

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

The SCI is a local development document which needs to be adopted by the local planning authority under section 17(8) of the Planning and Compulsory Purchase Act 2004, as amended. However, it is not a development plan document (setting out land use policies), and therefore its programme does not need to be specified in this LDS. For the purposes of clarity however, information on the work to be undertaken on the SCI is set out below.

Since the SCI was last reviewed in 2016, the Neighbourhood Planning Act 2017 has introduced a requirement for SCI's to address how local planning authorities will engage with Parish Council's and Neighbourhood Planning Forums on Neighbourhood Plans. Currently, Basildon Borough Council sets this information out in the *Neighbourhood Planning Support Policy*. There is therefore a need to revise the SCI to integrate these two documents. Furthermore, the General Data Protection Regulations (GDPR) affect some of the processes the Council use in engaging with residents on planning matters, and there is a need to review the SCI in respect of these regulations also. Therefore, the SCI will be reviewed in 2018.

As with the Local Plan, the Joint Strategic Plan must be prepared in accordance with a Statement of Community Involvement. However, as the Joint Strategic Plan covers six local authority areas covered by seven SCIs (ECC has an SCI for Mineral and Waste Planning matters), there is the potential for inconsistencies to arise and cause challenges to effective consultation. To avoid this, a separate Joint SCI will be prepared for the Joint Local Plan, covering Joint plan-making activities only. This will be developed in 2018, with the aim of adoption prior to consultation on the Regulation 18 Draft Joint Strategic Plan.

## Appendix 1: The Documents

The documents that the Council will be preparing are:

- The Basildon Borough Local Plan;
- The South Essex Joint Strategic Plan (JSP); and
- The Basildon Borough Community Infrastructure Levy Charging Schedule.

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

### Basildon Borough Local Development Scheme: 2018 to 2020

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

	2018				2019				2020			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>Local Plan</b>				Reg 19, 20	Reg 22, 24	Reg 25	Reg 26 PM					
<b>JSP</b>					Reg 18			Reg 19, 20	Reg 22	Reg 24	Reg 25	Reg 26
<b>CIL Charging Schedule</b>				Reg 15/16	Reg 17		Reg 19	IE	AVL			

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



### Supplementary Planning Documents (SPD)

Whilst to comply with legislation, documents which supplement the Local Plan do not have to be expressed in the LDS timetable, it is considered helpful to show what existing and future SPDs could be in place to represent the full Basildon Borough planning decision making framework. They are listed below for information purposes only.

<b>Supplementary Planning Document</b>	<b>Adoption</b>	<b>Scheduled Update</b>
Air Quality Impact Assessment Guidance	-	2018-2019
Development Control Guidelines	Approved 1997	2019-2020
Gardiners Lane South Masterplan	Approved 2003	2019-2020
Wickford Town Centre Masterplan	Approved 2006	2019-2020
Pitsea Town Centre Masterplan	Approved 2007	2019-2020
Billericay, Little Burstead, Great Burstead and Noak Bridge Conservation Area Appraisals and Management Plans	Approved 2012	n/a
Basildon Town Centre Masterplan	Approved 2012	2019-2020
Billericay Town Centre Conservation Area Shop Front Design Guide	Approved 2015	2019-2020
Essex Vehicle Parking Standards	Approved 2009	2019-2020
Planning Obligations Strategy	Approved 2015	2019-2020
Essex Coast Recreation Avoidance and Mitigation Strategy	-	2019-2020
Local List of Heritage Assets	-	2019-2020

<b>Basildon Borough Local Plan</b>	
<b>What is the scope of this document?</b>	It will establish the scale of growth the borough needs to accommodate by 2034, together with a spatial strategy for its distribution. It will allocate sites to meet the borough's development needs and provide detailed policies to manage development.
<b>What is its geographical extent?</b>	The whole of Basildon borough
<b>What Document Status does it have?</b>	Document of the Development Plan
<b>Will it be prepared jointly with other authorities and will this involve a joint committee?</b>	No, but in its preparation will seek the views of Essex County Council as Education and Highways Authority and other authorities on strategic matters, in accordance with the Duty to Cooperate. It will also be built on evidence bases that have been prepared jointly with other authorities such as the Strategic Housing Market Assessment, South Essex Water Cycle Study and Strategic Flood Risk Assessment.
<b>Will it be subject to any specific testing / appraisal?</b>	Yes. Legally, it is the subject of Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitat Regulation Assessment and Service Impact Assessment.  It must also be supported by infrastructure and viability testing.
<b>Could it result in changes to the Policies Map?</b>	Yes. There could be a general update to reflect new, or updated, natural / built environment designations, alongside new land use allocations.
<b>What is its chain of conformity?</b>	It must conform to national planning policy.
<b>Proposed Timetable by Quarter</b>	
<b>Reg 19 – publication and consultation</b>	Q4 2018
<b>Reg 20 – representations considered</b>	Q4 2018
<b>Reg 22 – Submission</b>	Q1 2019
<b>Reg 24 – Examination</b>	Q1 2019
<b>Reg 25 – Examiners report</b>	Q2 2019
<b>Reg 26 – Adoption</b>	Q3 2019

<b>South Essex Joint Strategic Plan</b>	
<b>What is the scope of this document?</b>	High level planning framework for setting out the overall spatial strategy, housing target and distribution, strategic employment areas, key transport and other infrastructure priorities and strategic Development Opportunity Areas.
<b>What is its geographical extent?</b>	The whole of the boroughs of Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock.
<b>What Document Status does it have?</b>	Document of the Development Plan
<b>Will it be prepared jointly with other authorities and will this involve a joint committee?</b>	Yes, it will be prepared jointly with Brentwood Borough Council, Castle Point Borough Council, Rochford District Council, Southend-on-Sea Borough Council, Thurrock Council and Essex County council. However, there is no joint committee and each authority will need to approve it separately.
<b>Will it be subject to any specific testing / appraisal?</b>	Yes. Legally, it is the subject of Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitat Regulation Assessment and Equality Impact Assessment (locally known as Service Impact Assessment).  It must also be supported by infrastructure and viability testing.
<b>Could it result in changes to the Policies Map?</b>	No. The Strategic Plan will only identify the broad location of Strategic Development Opportunity Areas. It will be for Local Plans (or their reviews) to make policy map changes.
<b>What is its chain of conformity?</b>	It must conform to national planning policy.
<b>Proposed Timetable by Quarter</b>	
<b>Reg 18 – Public consultation</b>	Q1 2019
<b>Reg 19 – publication and consultation</b>	Q4 2019
<b>Reg 20 – representations considered</b>	Q1 2020
<b>Reg 22 – Submission</b>	Q1 2020
<b>Reg 24 – Examination</b>	Q2 2020
<b>Reg 25 – Examiners report</b>	Q3 2020
<b>Reg 26 – Adoption</b>	Q4 2020

<b>Basildon Borough Community Infrastructure Levy Charging Schedule</b>	
<b>What is the Community Infrastructure Levy (CIL)</b>	Community Infrastructure Levy (CIL) will be a charge levied on certain types of development in the Basildon Borough. It is the mechanism which the Council must use in the future to ensure new development contributes towards the funding of upgrades to local and strategic infrastructure such as education, healthcare and roads to ensure the Borough's growth is as sustainable as possible.
<b>What is the scope of this document?</b>	It will set out the CIL rates per square metre for different types of development which the Council as the "Charging Authority" will collect to fund either itself or by transfer to other organisations the provision, improvement, replacement, operation or maintenance of that infrastructure required to support development in the Borough as set out in the Local Plan. It will detail the Council's CIL governance and management arrangements and implementation in line with the CIL Regulations.
<b>What is its Geographical extent?</b>	It will apply to the Basildon Borough
<b>What Document Status does it have?</b>	It is a document of the Development Plan, but is subject to its own specific consultation and procedural requirements as set out in the CIL Regulations.
<b>Will it be prepared jointly with other authorities and will this involve a joint committee?</b>	No, but its preparation will seek the views of other authorities to account for the scale of investment needed to help fund strategic infrastructure within and beyond the Borough boundary.
<b>Will it be subject to any specific testing / appraisal?</b>	Yes, however the process is not the same as for Local Plan Documents. Instead the focus will be on how the proposed CIL charge would affect development viability. It does not require a Sustainability Appraisal or Habitat Regulation Assessment.
<b>Could it result in changes to the Policies Map?</b>	No.
<b>What is its chain of conformity?</b>	Must be consistent with the Local Plan. Must be prepared in accordance with the Planning Act 2008, CIL Regulations and any relevant Government guidance.
<b>Proposed Timetable by Quarter</b>	
<b>Reg 15 &amp; 16 – consultation and publication of Preliminary Draft Charging Schedule</b>	Q4 2018
<b>Reg 17 – representations considered</b>	Q1 2019
<b>Reg 19 – submission of Charging Schedule</b>	Q3 2019
<b>IE (Reg 20, 21 and 23) – independent examination and report</b>	Q4 2019
<b>AVL (Reg 25) – approval</b>	Q1 2020

## Appendix 2: Risk Management

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

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

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

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

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

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

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
<b>Financial shortfall</b>	Medium	<p>Local Plan document preparation can be expensive, particularly the preparation or commissioning of the evidence base, production of documents, thorough consultation and public examination.</p> <p>Examination costs may inflate due to the length or complexity of an examination and the hiring of expert witnesses to defend the Council's plan.</p> <p>Legal challenge could also mean further unforeseen costs are incurred, such as legal fees.</p> <p>The Local Plan budget is subject to regular monitoring and profiling by Financial Services and the Team Manager – Planning Policy to ensure that any pressures are identified early and to enable unspent budget to be carried forward across financial years to ensure this LDS remains financially supported and therefore viable as a plan-making programme. The S151 officer is notified through this process should overspends be predicted in current or future years to ensure the budget remains on target.</p>	Medium
<b>Changing political priorities</b>	High	<p>Compared to other local planning authorities, Basildon comprises a mixed Membership from across the political spectrum. This means that political priorities can be subject to change over the course of an extended programme of work, such as the Local Plan. Where changing political priorities result in significant changes to a development plan document, there is the need for consultation to occur in accordance with Regulation 18. This has the potential to delay the plan programme by up to year on each occasion.</p> <p>In order to ensure that Members are aware of this risk, and its implications in terms of the Council's reputation, compliance with legislation and its finances, these will be highlighted in reports to Committees /Council. Additionally, the detailed programme of work will include reporting to Members, and also the use of Member Briefing sessions to ensure Members have a full appreciation of the evidence base and the recommendations of professional officers. Where appropriate this will be supported with the provision of legal advice.</p>	Medium

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