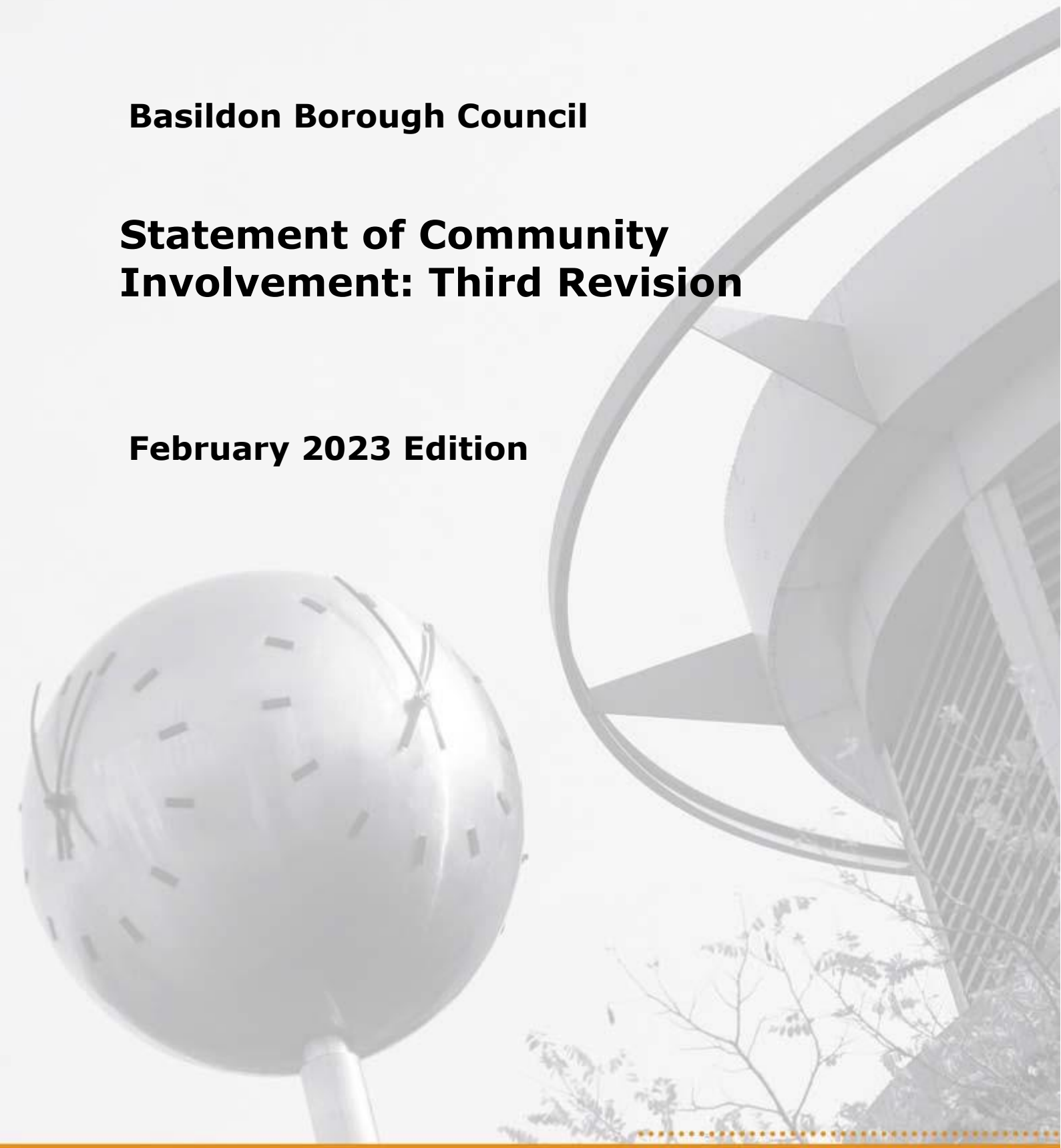
Basildon Borough Council

Statement of Community Involvement: Third Revision

February 2023 Edition



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Basildon Council approved this version of the Statement of Community Involvement (SCI) in February 2023 as a result of changes to the council's consultation procedures, and in line with the Department for Levelling Up Housing and Communities (DLUHC) proposed Digital Planning Reforms. For more information, see: Basildon Council - Issue - items at meetings - Basildon Borough Local Plan - Regulation 18 Issues and Options Consultation (basildonmeetings.info)

Contents

1. Introduction 1
   - What is the Statement of Community Involvement 1
   - The SCI Review 1
   - Best Practice 3
   - Our Vision and Standards for Public Consultation 4
   - Links with other Consultation Strategies 4
   - How is the SCI set out 5
2. Consultation on Planning Applications 6
   - Introduction 6
   - The Developer's Role 6
   - Pre-application Stage 6
   - Planning Performance Agreements 8
   - Planning Application Stage 8
   - Decision Stage 17
   - Planning Appeals 19
3. Public Involvement in Planning Enforcement 22
   - Introduction 22
   - Types of complaint that can be investigated 22
   - Your involvement in planning enforcement 23
   - Will my complaint be confidential? 23
   - Keeping you informed 23
   - How long will it take to deal with the complaint? 24
4. How the Council will consult on Planning Policy Documents 25
   - Introduction 25
   - Who We Will Consult 25
   - How people can be involved 29
   - The Local Plan 32
   - The South Essex Plan 35
   - Supplementary Planning Documents 36
   - Neighbourhood Plans 37
   - Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) 40
   - Community Infrastructure Levy (CIL) Schedules 40
5. Personal Privacy 42
   - Privacy Notices 42
   - Who we are 42
   - What information we collect 43
   - Why we collect your information 43
   - Who we share your information with 43

Redaction (‘blanking things out’) 43
How long we will hold your data 44
Providing accurate information 44
Your Rights 44
6. Monitoring and Review 46
Appendix 1: Glossary & Abbreviations 47
Appendix 2: A Selection of Consultation Methods 52
Appendix 3: Basildon Borough Neighbourhood Planning Support Policy 60

1. Introduction

1.1 The purpose of the planning system is to 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 their quality of life. These objectives should be delivered through the preparation and implementation of planning policies.

1.2 Paragraph 16 of the National Planning Policy Framework 2019 (hereinafter referred to as 'NPPF') states that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees. The NPPF at paragraph 124 goes further to encourage effective engagement between applicants, communities, local planning authorities and other interests throughout the planning and development process.

1.3 It is therefore important for local planning authorities to proactively engage with a wide section of the community, in both plan-making and decision-making, in order to reflect a collective vision for the sustainable development of the area.

What is the Statement of Community Involvement

1.4 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). The Act defines a LPA's Statement of Community Involvement as a statement of their policy for involving interested parties in matters relating to development in their area. Once adopted, the Council is required to comply with the principles and commitments made in the document.

1.5 The SCI seeks to ensure active, meaningful and continued involvement of everyone including local communities and stakeholders in the planning system. It outlines the Council's standards for community involvement in the planning process and identifies ways it will achieve these standards.

1.6 The SCI is not part of the Local Plan. It is a Local Development Document setting out a consultation strategy. The principles and commitments included in this document are intended to encourage members of the general public to participate in the preparation of plans, and in decision making on planning applications.

The SCI Review

1.7 There have been a number of changes to planning legislation and policy since the last SCI was adopted in July 2016. These include the publication of the revised NPPF, and the enactment of new legislation and changes to legislation through the Town & Country Planning (Local Planning) (England) Amendment Regulations 2017, the Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017, the Planning and Compulsory Purchase Act 2004, and the General Data Protection Regulation (GDPR). In May 2020, the Ministry of Housing, Communities & Local Government (MHCLG) also published an update on planning matters, in response to the spread of Coronavirus (COVID-19).

- *The National Planning Policy Framework 2019*: the NPPF 2018 implemented reforms announced previously through the Housing White Paper and the draft revised National Planning Policy Framework consultation in 2017. It was also updated to reflect relevant case law and set out some major changes and clarifications to national planning policy, as well as new policies to boost housing supply. Following a technical consultation on updates to national planning policy, some very minor changes were made to the text and an updated Framework was published on 19 February 2019.
- *The Town & Country Planning (Local Planning) (England) (Amendment) Regulations 2017*: this new statutory instrument sets a period of 5 years within which LPAs should undertake an assessment of whether their Development Plan Documents and SCI remain up to date. It requires planning authorities to regularly review their SCI to ensure that they have a clear and relevant strategy for engaging local communities throughout the planning process.
- *The Neighbourhood Planning Act 2017*: this Act amends Section 18 of the Planning and Compulsory Purchase Act 2004. The Act requires LPAs to set out within the SCI, their polices for discharging the duty to give advice or assistance to qualifying bodies to facilitate proposals for making and modifying Neighbourhood Development Plans and Orders. LPAs are also required to notify neighbourhood planning bodies of planning applications in their area.
- *The General Data Protection Regulation (GDPR)*: the GDPR forms part of the data protection regime in the UK, together with the new Data Protection Act 2018 which replaced some of the requirements of the existing Data Protection Act 1998. It has been designed to provide individuals with greater control over how their personal data is collected, stored, transferred, and used, and requires individuals to be clearly informed about what information they can expect to be made public.
- *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*: These regulations provide the power for local authorities to hold virtual meetings, and apply to all local authority meetings up to 7 May 2021.
- *The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020*: Regulations linked to the Coronavirus Act 2020 mean that no elections or referendums can take place until 6 May 2021. This includes neighbourhood planning referendums.
- *The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020*: Temporary changes to the publicity requirements for certain planning applications have been introduced to support timely decision-making, and avoid delays to development as a result of the effects of the coronavirus pandemic, while

maintaining public participation in the decision-making process.

- *Coronavirus (COVID-19) Planning Update*: The government has been clear that all members of society are required to adhere to guidance to help combat the spread of coronavirus (COVID-19). The guidance has implications for local authorities and local plan-making, including how the public are engaged and the ability of authorities to comply with policies set out in their Statements of Community Involvement. As such, LPAs have been encouraged to undertake an immediate review of the SCI, and update the policies where necessary so that plan-making can continue. This updated planning guidance is consistent with the most up-to-date guidance on staying at home and away from others, and supersedes current plan-making guidance until further notice. Changes to the SCI that specifically reference restrictions relating to COVID-19 are therefore only temporary, whilst such restrictions are in place.

1.8 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.

1.9 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

1.10 Best practice guidance is given within the National Planning Practice Guidance. The Planning Advisory Service (PAS) and Planning Aid also provide guides to effective community engagement. In addition, the Local Government Association (LGA) and The Campaign Company have produced the 'New Conversations: LGA Guide to Engagement' to assist councils in strengthening trust, building resilience and responding to today's challenges through high quality engagement. The Council has considered the above in preparing the revised SCI.

1.11 The SCI has also being prepared with 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.

1.12 Under the Duty of Best Value, authorities are required to consider overall value, including economic, environmental and social value, when reviewing service provision. As such, Risk Management Implications were completed by the Council prior to approving the SCI for public consultation. In addition, and in line with its Duty to Consult, the Council has consulted with residents, those who use or are likely to use services provided by the Council, and those appearing to the Council to have an interest in any area within which the Council carries out functions, as summarised within the Statement of Consultation for the Draft Statement of Community Involvement: Third Revision, January 2020.

1.13 Details of the methods of public participation that Basildon Council may use and for what purpose are detailed further within Appendix 2: A selection of methods of consultation.

Our Vision and Standards for Public Consultation

1.14 The Basildon Borough Consultation and Engagement Policy sets out the standards the Council will abide by, when undertaking consultation and engagement activity, placing greater emphasis on the need to undertake the correct type of activity based on the issue that is the subject of consultation and engagement.

1.15 The requirements for carrying out effective consultation set out in this draft Statement of Community Involvement will help deliver the Council's Consultation and Engagement Policy.

Policy Statement /Vision

1.16 The Council is committed to enabling its community to have a voice and play an active role in influencing the decisions, policies and services that most affect them. It will use the insight gathered from consultation and engagement activities to better understand local need, whilst also maintaining a continued conversation with communities and businesses about the things that matter most.

1.17 The council will learn from experience and build on best practice to ensure that its consultation and engagement processes:

- Always have a clear purpose;
- Are inclusive, fair and transparent;
- Are undertaken as early into the decision-making process as possible;
- Produce and utilise high quality intelligence;
- Will only ever be carried out before a decision has been made by the Council;
- Provide feedback to all participants.

1.18 To view the Council's latest Consultation and Engagement Policy, please visit www.basildon.gov.uk/publicationscheme.

Links with other Consultation Strategies

1.19 The SCI sets out the commitments to consultation on planning matters which are the responsibility of the Council. In carrying out these commitments, there will be other Council-led planning strategies which when adopted may impose additional requirements. Furthermore, there will be other partnership arrangements which may need to be taken into account.

1.20 The Council is working with the South Essex LPAs of Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock, together with Essex County Council, to prepare a Joint Strategic Plan (JSP) – the South Essex Plan – which will cover the combined areas. A separate consultation protocol providing a cross-borough context applies to the South Essex Plan, and is intended to enable compliance with each borough's Statement of Community Involvement.

1.21 A *Statement of Community Involvement* (SCI) Addendum is therefore being prepared, which sets out a consistent approach for consultation and involvement on preparing the South Essex Plan. This SCI Addendum will be an add-on to

each of the SCIs for the six South Essex LPAs working in partnership on the South Essex Plan, and will be consulted on separately at a later date by all the LPAs at the same time, and then incorporated into the individual SCIs as a version update.

How is the SCI set out

1.22 This document is divided into six main parts:

- **Section 1 -** A brief introduction to the SCI.
- **Section 2 -** Explains how the Council approaches pre-application advice and discussions, advertising and commenting on planning applications and appealing a planning decision.
- **Section 3 -** Details how planning enforcement is managed.
- **Section 4 -** Outlines how the Local Plan and other planning policy documents will be consulted on.
- **Section 5 -** Explains what to expect when Basildon Council collects personal and sensitive data in accordance with the GDPR.
- **Section 6 -** Sets out how the Council will monitor and review the SCI to ensure it remains up to date and relevant.

2. Consultation on Planning Applications

Introduction

2.1 As a Local Planning Authority, Basildon Borough Council is responsible for the management of development within the borough. Therefore, the SCI identifies how we will involve the community and stakeholders in this process at the pre-application, application, and appeal stages.

2.2 Planning legislation sets out the minimum requirements for publicising and consulting the community and stakeholders on planning applications. This section sets out how the Council will meet and exceed these requirements through the development management process, and also the role of the developer in engaging with the local community.

The Developer's Role

2.3 In accordance with the Localism Act 2011 and the NPPF, the Council encourages developers to consult with the wider community, stakeholders and residents prior to submission of a planning application. The aim is that the community is involved at the earliest possible stage before the developers finalise their proposals. This can often reduce the time taken to determine an application.

2.4 For small-scale development proposals, applicants should speak to nearby neighbours about their plans. For larger scale development proposals, the Council expects developers to engage with relevant stakeholders, including the local community and ward Members. Effective techniques for more controversial schemes could include exhibitions and workshops which can be attended either in person or remotely. The Planning Case Officer will advise the developer of the Council's expectations in terms of the level and scale of consultation expected for individual schemes, on the basis of site-specific circumstances.

2.5 Developers will be asked to provide information on all community engagement they have undertaken on the proposal, along with an explanation of how issues raised have been taken into account. This information will be considered by the Council when determining the planning application.

Pre-application Stage

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

2.6 Pre-application advice 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 in confirming whether the principle of development is acceptable, and clarify what detailed information the Council will need to determine an application.

2.7 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

2.8 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 on to apply for planning permission, the planning application form requests details of any pre-application advice if it is was sought.

2.9 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, in accordance with the Council's Information Management Policy. 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

2.10 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 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, 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.

2.11 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.

2.12 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

2.13 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.

2.14 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.

2.15 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.

2.16 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.

Planning Performance Agreements

2.17 As an alternative to a pre-application advice, or in the case of more complex major proposals, or for schemes that are expected to exceed the Government's target for determining planning applications, an applicant may enter into a Planning Performance Agreement (PPA) with the Council. These provide a project management framework, and set out the level of service the applicant will receive from the Council, who they will deal with and how that person will coordinate all of the Council's and partners' activities, the length that the PPA will apply, and the fee. They allow for a wider range of meetings, often topic based, so that the Council can provide maximum influence on the developers' scheme and ensure that it is as far as possible policy compliant and deliverable.

2.18 PPAs are usually entered into before a planning application is submitted and last until the date of the application's determination. For strategic developments the Council will recommend that a long term PPA is entered into which takes into account not only the initial planning application, but, any follow up applications such as reserved matters or discharge of conditions.

2.19 In all instances PPAs are clear in that they are entered into without prejudice to the formal consideration of all planning applications.

Planning Application Stage

2.20 This section details who can comment on applications that are submitted for

determination, 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?

2.21 Anyone may comment on a planning application.

Commenting on a planning application

2.22 Comments on planning applications should be made in writing within 21 days of the start of the consultation period. 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; or
- By post to: Planning Services, Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14 1DL; or
- By entering comments online via our website: 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.

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

2.24 Comments received that are expressed as confidential cannot be taken into consideration when determining an application and will not be made available for viewing. In making comments, the Council therefore advises that you should only provide personal information that you are happy to be publicly available.

2.25 When making a decision on a planning application, the Council will 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 which 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

2.26 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

2.27 Further advice can be sought from a number of external organisations with regards to comments on a planning application.

2.28 Anyone who comments on an application should use the Council's e-Planning system to track and view updates on the application, including the decision.

2.29 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': https://www.basildon.gov.uk/article/3044/Petitions-to-the-Council

How the Council will treat objections and representation of support

2.30 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[1];

c. The Council will consider all material 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

[1] Depending on the level of delegation, this may include the Planning Committee, the Head of Planning, or other senior officers

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.

2.31 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.

How we will advertise an application

2.32 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.**

2.33 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

2.34 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[2] 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 THIRTEEN weeks for applications for major development and EIGHT weeks for all other types of development

[2] In accordance with the Town and Country Planning (General Development Procedure) (England) Order 2015

(unless an application is subject to an Environmental Impact Assessment, in which case a SIXTEEN week limit applies).

2.35 The acknowledgement will be sent by email where possible, if an email address is not provided the acknowledgement will be sent by post.

2.36 The application shall be entered onto a Register of Applications Received[3] 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[4]; and
- Online from the Council's website, via its e-Planning system, at: http://www.basildon.gov.uk/eplanning

2.37 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[5].

2.38 In addition, the Council will endeavour to put as much information as possible on its online e-Planning system except where these are confidential, contain sensitive information, 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, in accordance with the Council's Information Management Policy.

2.39 Some applications are resubmissions of previous applications[6] 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

2.40 Applications of these types are split into two categories, 'minor' and 'major' development, with 'major' sub-divided into smallscale and largescale major. This is done for monitoring purposes, but the way in which the Council will advertise an application is comparable to this coding. Table 2.1 below indicates when an application is major or minor.

[3] In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015
[4] Subject to the council offices being open to members of the public.
[5] Subject to the council offices being open to members of the public.
[6] A resubmission is a second application that is substantially similar to a previous submission and submitted within 12 months of the decision of the earlier application. Where a second application does not meet this criteria it may not be identified as being linked to a previous application for the purposes of notifications.

DWELLINGS			ALL OTHER USES		
Minor	**Smallscale Major**	**Largescale Major**	**Minor**	**Smallscale Major**	**Largescale Major**
1 -9 (inclusive)	10 – 199 (inclusive)	200 or more	Less than 1,000 sq metres	1,000 sq metres and up to 9,999 sq metres	10,000 sq Metres or more
Less than 0.5 ha	0.5 ha and less than 4 ha	4ha or more	Less than 1ha	1ha and less than 2ha	2 ha or more

Source: Ministry of Housing, Communities and Local Government, August 2015

Table 2-1: Categories of Major and Minor Development

Minor Development

2.41 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.

2.42 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:

- Neighbouring properties[7] populated from the National Land and Property Gazetteer shall be notified by post, and/or by the erection of a site notice[8] and 21 days shall be given to comment on any planning matters;
- The choice between erecting a site notice and 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 and designated Neighbourhood Forums will be directly advised upon the receipt of an application within the area that they cover.

Major Developments

2.43 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

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

minor applications, plus:

- A site notice will be erected[9]. 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 in line with the statutory publicity requirements for planning and heritage applications;
- 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 and designated Neighbourhood Forums 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

2.44 Due to the sensitive nature of Listed Buildings and Conservation Areas, the Council has a duty to consult on a wider basis than for similar applications in other parts of the Borough. The Council will consult as indicated under 'B. Planning Applications for the Development of Buildings or Land etc.', plus:

- A site notice will be erected[10]; and
- The application will be advertised in a local newspaper, in line with the statutory publicity requirements for planning and heritage applications.

D. Lawful Development Certificates (existing and proposed)

2.45 Lawful Development Certificates (LDCs) are a method of establishing the lawfulness of a development or use and do not involve consideration of the planning merits of an application. An LDC can only confirm whether the development or use is lawful; that is, either permitted development[11] or immune from enforcement action due to the time that the use or structure has existed[12].

2.46 For LDC applications for existing development, notifications shall only be made where comments from neighbouring occupiers or visitors would assist in establishing the evidence to corroborate the details of the application. Where this is considered necessary, notifications shall be made as indicated under 'B. Planning Applications for the Development of Buildings or Land etc.' with additional notifications as appropriate to the development or use being established. This is a judgement made by a Planning Officer, in consultation with the Solicitor of the Council on the need for further information to corroborate the evidence submitted by the applicant.

2.47 For LDCs for proposed development, no notifications are generally made as the purpose is to confirm whether the proposal is, as evidenced by the application:

a. Development, as defined by legislation; and/ or

[9] Any site notice(s) shall be erected as close as practical to the application site.
[10] Any site notice(s) shall be erected as close as practical to the application site.
[11] As defined by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
[12] Provided enforcement action was able to be taken during this time.

b. Within the appropriate Permitted Development rights.

2.48 If following an LDC application, the Council determines that the proposed development requires planning consent, an application for planning permission will need to be made. The consultation arrangements will be as set out in section A-C.

E. Telecommunications

2.49 Telecommunication development falls into one of three categories:

(a) Permitted Development[13].

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 relevant 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 most up-to-date Code of Best Practice on Mobile Phone Network Development.

2.50 A list of all Permitted Development notifications and applications received for mast development is maintained at the Council's Reception, at its St Martin's Square offices and can be viewed on request during opening hours[14].

F. Amendments to Applications

2.51 There is scope for applications to be amended by the applicant, on request to the Council, both during the application process or following a decision.

2.52 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.

2.53 If the amendment would result in the decision exceeding the target timescale the agent/applicant and Council may enter into a Planning Performance Agreement (PPA) where an extension to the decision date would be agreed.

2.54 Material alterations to determined applications will require a new application, and consultations will be carried out as identified for the application type.

2.55 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

[13] As defined by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
[14] Subject to the council offices being open to members of the public.

application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply. The Council 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

2.56 There are a number of recent changes to planning legislation under the Town and County Planning (General Permitted Development) (England) Order 2015, and more recently, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 that have introduced methods of changing the use of a property, carrying out larger householder extensions and agricultural buildings conversions without the need for planning permission. These types of application are instead subject to a prior approval consultation.

Larger Householder Extensions

2.57 Where a householder would like to build a larger extension under the newer permitted development rules[15], 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.

2.58 There are several outcomes of prior notifications:

- prior approval is not required;
- 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.

2.59 A full planning application will only 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

2.60 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

[15] The increased size limits for single-storey rear extensions that were previously time limited and due to expire on 30 May 2019 have now been made permanent by government. 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, in accordance with Town and Country Planning (General Permitted Development) Order 2015 (as amended).

erect a site notice, directly consult adjoining neighbours, and directly consult statutory bodies. Neighbours will be contacted in writing, by post. They will have 21 days to respond in writing.

Statutory and Non Statutory Consultees

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

2.62 In addition, there are many other non-statutory groups and bodies that the Council will inform of particular applications in order for their professional or particular expertise/interest to be considered. 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. For some applications however none will be relevant. The Council intends to produce a locally specific list of non-statutory consultees which will be available on the Council's website alongside other planning applications advice articles.

2.63 The Council is required, under the Duty to Cooperate[16], 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. The Council is also required to notify neighbourhood planning bodies of planning applications in their area.

2.64 Depending on the contact details held, either a letter or an email will be sent to the relevant consultees notifying them of the planning application; identifying where the application and supporting documents can be viewed; and advising how comments can be made.

2.65 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.

Decision Stage

How will decisions be taken?

2.66 Decisions on planning applications are taken by officers or elected members of the Council depending on the type of application being considered[17]. There are three avenues for a decision to be made:

By a Delegated Officer

[16] As defined by the Localism Act 2011.

[17] The governance rules of the way planning applications are decided by the LPA falls under the remit of latest Basildon Borough Council's Constitution "The Way We Work".

2.67 Delegated decisions can be taken by an agreed delegated officer[18] following a report and recommendation by a Planning Officer.

By the Chairman of the Planning Committee

2.68 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.

2.69 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

2.70 For applications determined by the Planning Committee, a meeting will generally be held, either in person or remotely. The Council's Planning Committee 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[19].
- 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[20].

2.71 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.

2.72 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 (whether physical or remotely) of the meeting a week beforehand.

2.73 For further information, refer to the "Scheme of Delegation"[21] which sets out when each of the above may occur.

[18] Depending on the level of delegation, this may be the Head of Planning or another senior officer.

[19] 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.

[20] 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.

[21] The Council's Constitution "The Way We Work", Basildon Borough Council, July 2019 (Part 3, Schedule 2). The contents of the Constitution are subject to change. The SCI reflects the version as of July 2019.

How will people be informed of a decision

2.74 We will inform the agent (or applicant) of the decision 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 commented on an application are encouraged to use the Council's e-Planning system to track and view the outcome of the application.
- Anyone who specifically contacts the Council for a written correspondence, and gives a full postal or email address shall be notified of the decision when it is issued. These notification letters/emails will not include the conditions attached to a decision or the reasons for refusal/approval. This is to ensure the speedy dispatch of notification letters. The full details are publicly available on the e-Planning web page and at The Basildon Centre during opening hours[22].
- All decisions are entered onto a register of applications that have been determined[23], which is updated weekly. This is available from:
  - The Basildon Centre, St Martin's Square, Basildon SS14 1DL, during opening hours[24];
  - 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.

2.75 For Committee decisions, the minutes of the meeting will usually be available on the Council's website within 5 working days of the decision.

Planning Appeals

[22] Subject to the council offices being open to members of the public.
[23] In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015
[24] Subject to the council offices being open to members of the public.

Dealing with Appeals

2.76 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.

2.77 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.

2.78 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.

2.79 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.

2.80 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

2.81 Some appeals, especially those dealing with bigger proposed developments, are heard by public inquiry[25]. 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 as close as practical to the application site. Further representations can be made and sent directly 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 online, or at the main Council offices during opening hours[26] prior to the inquiry.

2.82 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.

2.83 The Planning Inspector will normally allow members of the public to speak. Details relating to the process can be found on the gov.uk website, along with details on

[25] In response to the spread of Coronavirus (COVID-19), the Planning Inspectorate has published guidance on site visits, hearings, inquiries and events.
[26] Subject to the council offices being open to members of the public.

the appeal process:

Appeal a planning decision - GOV.UK

2.84 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

The postal address for completed appeal forms (England) is:

The Planning Inspectorate
Room 3 O/P
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Tel: 0303 444 5000 Email: enquiries@planninginspectorate.gov.uk

3. Public Involvement in Planning Enforcement

Introduction

3.1 The Town and Country Planning Acts give local planning authorities discretionary powers to tackle breaches of planning control. The Council has produced its own Regulatory Services Enforcement Policy which sets out the range of options that are available to achieve compliance with the legislation that the Council enforces, and how discretionary powers may be used to regulate and raise standards in various sectors.

3.2 This section helps people understand how planning enforcement works, how to make a complaint, and sets out the timescales for investigations and subsequent action.

Types of complaint that can be investigated

3.3 The NPPF states in paragraph 58 that “Effective enforcement is important to maintain public confidence in the planning system".

3.4 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 effect on the amenity of the area).

3.5 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.

3.6 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 such a problem can be found on their website: http://www.essexhighways.org

3.7 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 in February 2015 (or any subsequent update), and can be viewed on

the Council's website.

Your involvement in planning enforcement

3.8 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.

3.9 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.

3.10 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 alleged contravener if known). This helps the Council respond quickly and effectively.

3.11 In order to report a suspected breach of planning control please complete the online form available on the Council's website https://www.basildon.gov.uk/article/5599/Report-A-Possible-Breach-Of-Planning-Control, or via the local Ward Councillor or MP.

Will my complaint be confidential?

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

3.13 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

3.14 A letter of acknowledgement will be sent out by email or post within five working days of the receipt of a complaint.

3.15 Both the complainant and the contravener will, as appropriate, be kept informed about the progress of the investigation into the complaint. On completion of the investigation, the parties involved will as necessary, be informed of the outcomes and what action will be taken, if any is required, to remedy any breach of planning control identified. Depending on the circumstances and in the event that progress of an investigation is yet to be communicated, officers will always provide an update upon request.

3.16 The method of communication will be based on the contact details provided, as well as the Information Technology available to the Council.

How long will it take to deal with the complaint?

3.17 Complaints will normally be dealt with in accordance with their urgency. The Council's Enforcement Policy 2015 (or any subsequent update) sets out four categories of prioritisation to manage its actions dependent 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, Listed Buildings or works to Protected Trees, and breaches that represent serious danger to public safety.

3.18 The enforcement team aim to instigate the investigation of complaints in accordance with this prioritisation.

3.19 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 Planning Policy Documents

Introduction

4.1 This section sets out how Basildon Borough Council will involve the community in preparing planning policy documents.

4.2 Information on the Council's programme for preparing all future planning policy documents is contained within the latest approved Local Development Scheme (LDS) which is can be viewed online, or can be requested by contacting the Council. Details can be found at: www.basildon.gov.uk/planningpolicy

Who We Will Consult

4.3 The Town and Country (Local Planning) (England) Regulations 2012 set out the requirements for public participation and consultation on 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.

4.4 The nature of community involvement will vary depending on the type of planning policy document being produced. Regulations 18, 19, 20 and 22 detail the consultation and engagement for DPDs, and Regulations 12 & 14 detail the requirements for SPDs.

4.5 While any person, organisation or company can be involved in the engagement and consultations that will happen as the Council prepares its Local Plan and other policy documents, the Regulations specify the following consultation categories:

- Duty to co-operate bodies
- Specific consultation bodies; and
- General consultation bodies.

Duty to Co-operate Bodies

4.6 The Localism Act 2011 (Section 110) places a 'duty to co-operate' on the plan making process of all LPAs, and a number of other public bodies. The new duty;

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas;
- requires that Councils set out planning policies to address such issues;
- requires Councils and public bodies to 'engage constructively, and actively on an ongoing basis' to develop strategic policies; and
- requires Councils to consider joint approaches to plan making.

4.7 The NPPF builds on the requirements of the Localism Act, and states that "local planning authority and county Councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic

matters that cross administrative boundaries", particularly those which relate to the strategic priorities…. "Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plan". "Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy".

4.8 The NPPF defines the issues that require cooperation as:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

4.9 In addition, the NPPF at paragraph 27 states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross boundary matters being addressed and progress in cooperating to address these. Paragraph 35 goes on to set out the soundness tests against which local plans are assessed at the examination stage and proposes a strengthening of the 'positively prepared' and 'effective' soundness tests so that local plans are (a) informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated; and (b) based on effective joint working on cross-boundary strategic matters, as evidenced by a statement of common ground.

4.10 Basildon Council is committed to meeting this duty and intends to work closely with neighbouring local authorities and other partner organisations and stakeholders at the early stages of document preparation, 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.

4.11 A Statement of Common Ground will outline how the Council has actively and positively sought to comply with the duty to cooperate with the neighbouring authorities on all strategic cross boundary matters.

Specific consultation bodies

4.12 Specific consultation bodies are statutory consultation groups that are knowledgeable, and may have an interest in the subject of the proposed Local Plan or other planning policy documents. A full list of specific consultation bodies is prescribed under Paragraph 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The table below provides examples of the specific consultation bodies the Council intends to consult about our planning policy documents. Please note that this example list is not exhaustive.

Essex County Council
Neighbouring Authorities
Local Parish and Town Councils (including those adjoining the District, but in neighbouring Districts)
Designated Neighbourhood Forums
Local Enterprise Partnerships
Relevant utilities companies
Relevant sewage and water undertakers
Relevant telecommunications companies
The Coal Authority
Homes and Communities Agency
Primary Care Trust (NHS Mid and South Essex Sustainability and Transformation Partnership)
Network Rail Infrastructure Ltd
Local Policing body
Marine Management Organisations
Government bodies; Environment Agency, Historic England, Natural England and Highways England.

Table 4-1: Examples of Specific Consultation Bodies

General consultation bodies

4.13 General consultation bodies are also specified under Paragraph 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Taking into account their interests and skills, they include but are not limited to:

Voluntary bodies who have an interest or whose activities benefit any part of the local planning authority's area.
Community interest groups representing the interests of different racial, ethnic, religious, national groups and disabled people's groups etc. in the Borough.
Non-Governmental Organisations including wildlife groups and environmental organisations.
Local business groups which represent the interests of the business community in the area.

Table 4-2: Examples of General Consultation Bodies

Other consultation bodies

4.14 In addition to the statutory consultees set out above, the Council will use its discretion to consider whether there are planning policy reasons to engage other consultees who are likely to have an interest in a planning policy proposal. These include but are not limited to:

Developers, landowners and professional planning organisations.
Other bodies, including; educational providers, health organisations etc.
The general public.
Council elected members.

‘Seldom Heard’ Groups

4.15 As part of its consultation and engagement exercises, the Council recognises that some people and groups are more aware about planning and making their voices heard. Others are sometimes known as ‘seldom heard’ groups. Research identifies particular groups and communities who have not been very involved in consultation processes. These include:

Young people
Older people
Disabled people
Black, Asian 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
Non-users of council services
Commuters

Table 4-3: Examples of ‘Hard to Reach’ Groups

4.16 The above list is neither inclusive nor exclusive, but reflects seldom heard groups within the community as a whole.

4.17 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.

4.18 It is a priority to ensure we work with all sections of the community to ensure an

inclusive approach to the development of the borough. Although the methods listed in Appendix 2 will be used to include all groups or communities in the borough, we do recognise the special needs of the “hard to reach” groups who may be excluded even if all the methods listed were applied.

4.19 When preparing 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 available (e.g. the Youth Council, social media, focus groups, face-to-face meetings, video conferencing, etc.).

4.20 In addition, the Council will use other targeted means as and when necessary, to reach any other groups identified as “hard to reach”.

How people can be involved

4.21 The Council’s consultation portal https://www.basildon.gov.uk/planningconsultation, enables consultees and agents to participate in planning policy consultations. As a consequence of past consultation activities, the Council holds a database of consultees including all statutory consultees; a range of non-statutory interest groups; other stakeholders with an interest in the borough such as developers and employers etc.; infrastructure and service providers; and also all residents who had previously provided consultation responses to planning policy documents.

4.22 People interested in the Local Plan and other planning policy documents can also register for an account on the consultation portal. 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. To register, log on to https://www.basildon.gov.uk/planningconsultation and complete your contact details. Alternatively write to, email, or phone the Planning Policy 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.

Methods of Communication

4.23 How the Council involves the local community and statutory consultees during the preparation of a Development Plan for its area, will vary dependent on the type of planning policy document being produced.

4.24 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. **In addition, the Council will enact any changes to legislation that impact upon the procedures stated here**.

4.25 The specific method and scale of consultation will be determined on a case by

case basis, having regard to minimum statutory requirements and available resources. Planning policy consultations are pre-approved for public consultation by the relevant Committee with delegated authority to exercise the Council's functions relating to planning policy.

4.26 The Council will attempt to ensure that everyone has equal access to consultation documents and events, for example ensuring that venues are accessible for disabled people, people with mobility issues and people with pushchairs; using digital platforms that are inclusive and designed to be accessible to all; making documents available in large copy print, audio cassette, braille or languages other than English on request; and that consultation will be avoided during a holiday or religious festive period. Consultations may be extended if they overlap with defined holidays or festive periods. It is important to recognise that the Council has limited resources, but it will however attempt to engage and facilitate participation in the preparation of planning policy documents. The Council has minimum requirements (set out in the relevant regulations) to meet for consultation, however it will strive to exceed them.

Deposit Points

4.27 As a minimum, reference copies of consultation documents will be made available on Basildon Council's website throughout the period of consultation.

4.28 Reference copies of consultation documents will also be available for display at the Basildon Borough's main Deposit Points throughout the period of consultation, having regard to the most up-to-date government policy or guidance on staying alert and safe (social distancing). Where the council's deposit points are closed to members of the public during normal opening hours, paper copies will only be available on request. The Borough's main deposit points include:

- Basildon Borough Council Offices: The Basildon Centre, St Martin's Square, Basildon, SS14 1DL.
- Basildon Library: The Basildon Centre, St. Martin's Square, Basildon, SS14 1EE
- Billericay Library: 143 High Street, Billericay, CM12 9AB.
- Wickford Library: Market Road, Wickford, SS12 0AG.

4.29 In addition to the above, reference copies of consultation documents may be made available for display throughout the period of consultation at the following locations, depending on the scale and type of consultation, having regard to the most up-to-date government policy or guidance on staying alert and safe (social distancing). This will be determined on a case-by-case basis. Where the council's deposit points are closed to members of the public during normal opening hours, reference copies will only be available on request.

- Pitsea Library: Community Centre, Off Maydells, Pitsea, SS13 3DU
- Laindon Library: 5-7 New Century Road, Laindon, Basildon, SS15 6AG
- Fryerns Library: Whitmore Way, Basildon, SS14 2NN
- Vange Library: Southview Road, Basildon, SS16 4ET

4.30 Where possible, the Council will work with Local Councils (including Town, Parish and Village Councils) to make reference copies of relevant consultation documents available to the local community on online forums and websites, and in town and village halls where practicable.

Commenting on Planning Policy Documents

4.31 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 planning policy document to reflect comments received before it is progressed to the next stage.

4.32 Comments received as part of the planning policy 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".

How to comment

Comments can be made in writing:

- By email: planningpolicy@basildon.gov.uk; or
- By post to: Planning Policy, Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14 1DL; or
- By entering comments online via our consultation portal website: https://www.basildon.gov.uk/planningconsultation, after registering as a user.

Inadmissible comments

4.33 There are some types of comments that cannot be considered or published due to their nature. These include comments which are considered to be inappropriate, late, anonymous, GDPR non-compliant, or illegible

4.34 For clarity, an inappropriate or discriminatory response can be identified as one which:

- Contains offensive language;
- Makes uncorroborated or generalised statements about specific people or community groups;
- Could be regarded as offensive to a particular group of people or community group;
- Is abusive, insulting or threatening;
- Applies pressure for the Council to discriminate;
- Reveals hatred or contempt to a particular part of the community.

4.35 The criteria below are applied when making decisions as to which comments will be considered as inappropriate:

	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 4-4: Inappropriate Response Criteria

Statements of Consultation

4.36 All views made on consultation documents are carefully considered and used to inform decisions and/or shape the documents, alongside Government legislation, local planning policy and other evidence. 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 local planning requirements.

4.37 Publishing "Consultation Statements/Statements of Consultation" is an important part of the consultation process. It sets out which bodies and persons have been consulted, how they have been consulted, the main issues that were raised and how these issues have been addressed. These Statements will be published on the Council's website and will be available at the Basildon Centre for public inspection during opening hours[27].

The Local Plan

4.38 Local Planning Authorities 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. Planning Practice Guidance (PPG) 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.

[27] Subject to the council offices being open to members of the public.

4.39 Basildon Council is preparing a single Local Plan document, but also working with other South Essex authorities and Essex County Council to prepare a Joint Strategic Plan.

4.40 This section outlines the key stages involved in the production and preparation of the Local Plan, and when key stakeholders and the local community can get involved in the process. 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 in Figure 4-1.

4.41 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.



Figure 4-1: Local Plan flow chart

Stage 1 - Pre-Production of the Local Plan (Regulation 18)

4.42 This stage will initially involve the Council developing and gathering a range of evidence to support the development of the document, and ensure the Council has a good understanding of the issues before it prepares the Local Plan. The Council will informally engage with specific/general consultation bodies, 'Duty to

Co-operate bodies' and any other appropriate stakeholders to identify priorities and aspirations to inform the preparation of the Local Plan. Such bodies, where necessary, will inform key evidence base documents/studies and the Sustainability Appraisal.

4.43 Building on this, the Council will develop a range of possible policy options to address identified issues, and concerns raised. Considerations will initially be given to these options through the 'Issues and Options' Regulation 18 consultation exercise which will run for a minimum of 6 weeks. At this stage, the Council will formally consult with specific/general consultation bodies, 'Duty to Co-Operate bodies', any other key stakeholders and the local community.

4.44 A Sustainability Appraisal (SA) will be undertaken to assess the sustainability impacts of each option. Service Impact Assessment (SIA) will be undertaken to determine any potential impacts on equalities issues. A Habitats Regulation Assessment (HRA) is undertaken to assess the Local Plan's impact on habitats.

4.45 The Council may also consult under Regulation 18, on a Preferred Options Report. This will take account of the representations made during the Issues and Options stage and establish the Council's preferred approach for consultation before it commits to that approach at the next stage. A Preferred Options consultation will last for a minimum of 6 weeks.

Stage 2 - Publication of the proposed Local Plan (Regulation 19)

4.46 The Council will undertake a final consultation exercise of a draft Local Plan, before submitting the Plan (the Pre-Submission Plan) and the representations made to the Secretary of State for independent Examination by the Planning Inspectorate. A further Sustainability Appraisal, Habitats Regulation Assessment and EQIA will be undertaken assessing policies and plans set out in the 'final' version of the Local Plan.

4.47 The Council will undertake formal public consultation on the Pre-Submission Plan for a minimum of six weeks, inviting representations on the document. At this stage, the Council will formally consult with specific/general consultation bodies, 'Duty to Co-Operate bodies', any other key stakeholders and the local community.

4.48 It should be noted that representations can be received at this stage even if you have not been involved in the earlier stages of the Local Plan preparation. However, only those that make their representations within this consultation period will have the right to have their representations considered and heard at the Examination (Stage 3).

4.49 Following the consultation exercise, representations will be published and responses provided. All responses will be considered, and where appropriate, amendments to the document will be recommended to the Planning Inspector.

Stage 3 - Examination

4.50 The purpose of the independent Examination is to consider the 'soundness' of the Local Plan. A Planning Inspector will be appointed by the Secretary of State to carry out an independent Examination. Once the Planning Inspector has reviewed the submitted Plan, questions in relation to the Plan will be put to the Council and other representatives as part of the Examination. These will be sent

to everyone who has made a representation, and has requested to be notified of any future stages of the Local Plan. The Inspector may give all parties time to respond to these Matters, Issues and Questions (MIQs) in the form of a pre-examination statement which are sent to the Inspector.

4.51 Whilst the conduct of the Examination may be wholly by written representations, representations can be made orally, usually at hearing session which is a round table discussion with the Inspector and other invited representatives. The procedure to be followed is determined by the Inspector[28]. If you are invited to attend, advice on the Examination will be provided by the Council or the Programme Officer, who represents the Inspector.

4.52 As this is a public examination, any information/correspondence with either the Inspector or other representatives will be made publicly available and published on the Council's website.

4.53 The Examination may result in necessary modifications being required to the Local Plan to ensure its 'soundness'. If these modifications are considered to be significant, 'material changes', the Inspector can advise that the Council undertakes a further round of public consultation on these changes. This will usually be for a further six weeks.

4.54 Following the Examination the Inspector will publish a report which assesses the 'soundness' of the Local Plan. This report will contain the Inspectors recommendations and any modifications (if necessary) to the Local Plan. This report will be publicly available.

Stage 4 – Adoption

4.55 The recommendations of the Inspector are set out in their Report to the Secretary of State. The recommendations are to be considered, and provided that the Inspector finds the Plan sound, the Council will be able to adopt the Local Plan. However, the Inspector may also make recommendations for further modifications to the Plan (in their report of at the Examination) to make the Plan sound. If substantial and raised matters not previously considered at the Examination, these will be subject to a further 6 week consultation. Any representations made will be considered by the Inspector in their final Report.

4.56 As soon as reasonably possible once the Council adopts the Local Plan, an Adoption Statement, Sustainability Appraisal report and notification of adoption will be published (Regulation 26).

4.57 In respect of the Local Plan, a review must be completed every five years, starting from the date of its adoption, in accordance with section 23 of The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

The South Essex Plan

4.58 The South Essex LPAs of Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock, together with Essex County Council, have agreed to prepare a new Joint Strategic Plan, the South Essex Plan, for the area.

[28] In response to the spread of Coronavirus (COVID-19), the Planning Inspectorate has published guidance on site visits, hearings, inquiries and events.

The South Essex Plan aims to deliver a more coordinated planning, regeneration and investment agenda to benefit the local communities.

4.59 A Memorandum of Understanding was developed and signed in February 2017, which formalised arrangements for improved strategic planning in South Essex, including the resourcing and development of the South Essex Plan. A Statement of Common Ground was agreed and signed by all seven partner authorities to support the 'Duty to Cooperate' as required by national policy, initiating the formal process for preparing the South Essex Plan and setting out the project management arrangements.

4.60 Basildon Council has already updated its Local Development Scheme (LDS) by inserting the South Essex Plan into the statutory timetable, in order to reflect the new portfolio approach to plan-making across the sub-region.

4.61 A Part II Statement of Community Involvement is now being prepared, and sets out the proposals for consulting the public at various stages of preparing the South Essex Plan. The Part II SCI will provide an addendum to each of the SCIs for the six South Essex LPAs working in partnership on the South Essex Plan, including Basildon Council.

4.62 The Draft Statement of Community Involvement (SCI) Addendum is going to be the subject of a separate joint consultation at a later date, and will be inserted into the Basildon Borough SCI following the joint consultation.

Supplementary Planning Documents

4.63 Supplementary Planning Documents (SPDs) can be used to add greater detail to policies within the Local Plan, and can be topic or area based. When prepared, they must conform to policies contained within the Council's adopted Local Plan and be consistent with national policies. 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.

4.64 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. The minimum consultation period required for SPDs is four weeks, and no Independent Examination is required.

4.65 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 – Production** - Following the responses received from stage 1, the Council will prepare a draft 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. 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 – Adoption** - 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.

Neighbourhood Plans

4.66 Neighbourhood planning, which was introduced by the Localism Act 2011, enables communities to develop a shared vision and a set of policies for the future development for their neighbourhood areas. Communities, including residents, employees and business, will be able to come together through a Local Council or Neighbourhood Forum, to produce a Neighbourhood Development Plan (NDP) or Neighbourhood Development Order (NDO). NDPs and NDOs can be used to choose where new homes, shops and employment should be built, protect important green spaces, and influence what new buildings should look like, and to directly grant planning permission for specific types of development within the defined neighbourhood area. Such plans must have regard to national planning policy, and be in general conformity with the strategic policies in the Council's Local Plan.

4.67 Details of the legislative requirements for the preparation of neighbourhood plans are provided under the Neighbourhood Planning (General) Regulations 2012 (as amended). When 'made', the Neighbourhood Plan becomes part of the Council's statutory development plan to be used in the determination of planning applications.

4.68 It is the responsibility of local councils and designated neighbourhood forums to ensure that the local community is kept informed of progress on the plan. 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. Early engagement with relevant stakeholders, including the Council, is important throughout the Neighbourhood Plan's preparation, to ensure the plan meets the 'Basic Conditions'. The 'Basic Conditions' are a set of legal requirements which a Neighbourhood Plan must meet if it is to be successful at the independent Examination.

4.69 Throughout the Plan's preparation, each consultation event or activity needs to be summarised and included in the 'Consultation Statement'. This is a key document for the Neighbourhood Plan, and will demonstrate to the Examiner that the Plan has been prepared with a good degree of community involvement.

4.70 The regulations governing the preparation of Neighbourhood Plans place various statutory duties and responsibilities on the Council in providing advice and support 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. The Council recognises the important role of neighbourhood planning, and will support communities throughout the development of plans.

4.71 All neighbourhood planning referendums that have been recently cancelled, or

are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 until 6 May 2021. These provisions will be kept under review and may be amended or revoked in response to changing circumstances.

4.72 Where the LPA has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.

4.73 Basildon Borough Council has updated its *Neighbourhood Planning Support Policy* (see Appendix 3) to manage expectations and to provide clarity on the level of 'advice and assistance' the Council will provide to Local Councils and Neighbourhood Forums at the various stages of the neighbourhood planning process. This is in addition to the decision-making responsibilities set out in legislation that the Council is required to undertake. 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.

4.74 Table 4.5 below sets out the support and advice that Basildon Council will deliver to qualifying bodies, to facilitate proposals for making and modifying neighbourhood development plans and orders.

Stage of Process	Support to be Provided
Initial meetings (start-up)	Meetings with local councils, steering groups formed or community representatives – to provide information as may be requested. Advice to help groups decide whether the Neighbourhood Planning process is the right planning tool /route to address identified issues. Assistance in arranging consultation/meeting venues, including virtual meetings.
Application for Neighbourhood Area/ Forum designation	Advice on the neighbourhood plan area boundaries. Advice on the suitability of the local group as a 'qualifying body' - in accordance with the Regulations.
Preparing the project plan	Advice on programming of tasks and resources required. Assistance with providing information on external funding available.
Community engagement	Advice on communication/consultation strategy. Facilitate community engagement events/consultation work including use of the Council's consultation portal. Advice on the preparation of the Consultation Statements/Reports.
Developing the evidence base	Sign post sources of information.

Stage of Process	Support to be Provided
	Provide maps/advice on mapping information. Provide advice on assessment of sites. Provide advice on the commissioning of studies. Provide advice on Sustainability Appraisal and Habitats Regulations Assessment.
Preparing the draft plan	Provide advice on assessment of options. Provide advice on plan proposals. Provide advice on how to draft planning policy. Provide advice on the structure of the document. Provide constructive comments on the emerging plan and other supporting documents.
Consultation on the Pre-Submission draft plan (the Regulation 14 consultation)	Provide advice on the statutory consultation process/consultees. Provide advice on suitability of the plan in meeting the 'basic conditions': • Conformity of the Plan; • Suitability of the Consultation Statement; • Suitability of any Environmental Assessment or Habitats • Regulations Assessment undertaken; • Conformity with other legislative requirements.
Publication of the Neighbourhood Plan (the Regulation 16 consultation)	Publicise the Plan for a six week consultation period to bring it to the attention of the local community. Write a formal opinion on the consultation statement, as required by the Regulations and publish this alongside the submitted documents. Consult with the statutory bodies on the HRA screening opinion on the Plan. Collate the consultation responses, and produce a summary of the responses received in partnership with the local council or neighbourhood forum.
Appointment of the Examiner	Organise and finance the Neighbourhood Plan Examination. Work together on the appointment of the independent Examiner.
Examination of the Neighbourhood Plan	Publish the Examiner's Report and their recommendations. Modify the plan as recommended by the Examiner, and explain reasons behind any modifications to the local council or neighbourhood forum.
Referendum, publication of final outcome, and 'making' of a neighbourhood plan.	Finance, organise and manage the referendum process, and publicise the results. 'Make' the Plan where over 50% of the votes cast at

Stage of Process	Support to be Provided
	referendum is gained. Publicise the making of the Plan, as part of the Basildon Borough Development Plan.
Other requirements	Meetings with neighbourhood groups throughout the production of a Neighbourhood Plan, as required. The Council's support/assistance does not cover the following: • Primary survey work. • Drafting the Neighbourhood Plan or any policies. • Commissioning technical studies. • Attending every meeting/consultation event organised • Providing direct financial support. • Funding consultation exercises, distributing consultation questionnaires, collecting, collating or analysing consultation responses.

Table 4-5: Basildon Council Statutory Support for Neighbourhood Plans

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

4.75 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.

4.76 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.

4.77 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.

Community Infrastructure Levy (CIL) Schedules

4.78 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 is currently preparing a CIL charging schedule in tandem with the LDS timetable for the emerging Local Plan.

4.79 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. The key stages are set as follows:

- **Preparation stage** - this involves the Council developing a range of evidence to support the document. This may involve informal consultation with relevant stakeholders and interested parties such as developers and other service providers to gain views on matters to take into account when setting the CIL.
- **Consultation stage** - the Council must first consult on a Preliminary Draft Charging Schedule, based on the evidence collected. Stakeholders, interested bodies and the wider community will be consulted. Any representations made will be considered and amendments made to the Preliminary Draft Charging Schedule, where required. A summary of consultation responses will be produced. The Council will then publish a final Draft Charging Schedule, on which representations can be made prior to its submission for an independent Examination. This consultation will be for a minimum of four weeks.
- **Examination and Adoption stage** - The CIL document (including its charging schedule) will be sent to the Secretary of State with relevant supporting information to be examined. An independent Examiner will carry out an assessment into its 'soundness'. Objectors to the document may be allowed to appear at the examination. Recommendations suggested in the Examiner's Report may be binding on the Council. If there are significant issues, the Council may be required to withdraw the charging schedule and re-submit a revised version to a fresh examination.

4.80 Basildon Council will ensure that its procedures relating to consultation for CIL meet the relevant Regulations.

Community Infrastructure Levy: Neighbourhood Portion

4.81 As set in the Community Infrastructure Levy Regulations 2010 (as amended), at least 15% of funds received through the levy are passed directly to those parish and town councils where development has taken place. This must be spent on projects that have taken account of the views of the communities in which development is taking place. This neighbourhood portion can be spent on a wider range of projects to support development, including those related to infrastructure, but also anything else concerned with addressing the demands that development places on an area.

4.82 Where a neighbourhood plan is made, the neighbourhood portion of CIL raises from 15% to 25% of revenues arising from development taking place in that area. This amount also has to be spent on local priorities.

4.83 The Council will engage with communities on a regular basis to understand the pressures development is placing on their area, as well as any proposed amendments to the allocation and governance of end CIL receipts.

5. Personal Privacy

5.1 The processing of personal data and 'special category data'[29] is necessary for the exercise of planning functions. Therefore, the introduction of the GDPR represents a natural point for Basildon Council to review the way we manage data in the course of fulfilling our duties as a local planning authority.

5.2 This section explains what to expect when Basildon Council collects your personal data, and how we protect your privacy in accordance with our obligations under both the Data Protection Act 2018 and General Data Protection Regulation (GDPR) 2018. This information will apply to data processed electronically and/or on paper.

Privacy Notices

5.3 When we collect your data, we will provide you with a Privacy Notice which details the lawful basis that we will use to collect your data, who we will share it with (if appropriate), your rights, and how you can contact us about your data.

5.4 If you have any questions about how we use personal data, please contact our Data Protection Officer, dataprotectionofficer@basildon.gov.uk or see our website http://www.basildon.gov.uk/privacy.

Who we are

5.5 Basildon Borough Council as a local planning authority, has a statutory duty to carry out specific planning functions for the Basildon Borough which includes but is not limited to:

- Making decisions and providing advice on planning applications;
- Preparing planning policies;
- Supporting neighbourhood planning;
- Working with neighbouring authorities on strategic policies;
- Responding to allegations of unlawful development;
- Monitoring development;
- Providing planning and building control services;
- Entering legal agreements, serving notices and promoting the best use of land;
- Complying with government department research and statistical returns;
- Accounting for our decisions and investigating corporate complaints, etc.

5.6 As such, the Council is a 'data controller' and 'data processor' because we collect and process personal information about you in order to provide these

[29] Previously known as "sensitive personal data" under Data Protection Act 1998 and includes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person or data concerning health or a natural person's sex life or sexual orientation.

services.

What information we collect

5.7 Personal information collected by the planning departments includes names, contact addresses, email addresses, telephone numbers, signatures and any other information that an individual may provide to us within the content of their planning application, representation, comment, allegations and questions. Personal data refers to any information relating to a living person or 'data subject' that can be used to directly or indirectly identify the person.

5.8 We may also collect other personal details provided in support of an application, which may include special category data.

Why we collect your information

5.9 Our purpose in collecting and using data is to operate as a statutory body when undertaking a public task in the public interest. We also collect and use your personal information where it is necessary for compliance with a legal obligation, such as to determine a planning application.

5.10 We will only collect the personal data from you we need in order to provide the required service.

Who we share your information with

5.11 Your information will be stored securely within the Council's database and may be shared with:

- Other departments within Basildon Council, so that they can carry out their statutory roles and support our service (e.g. Housing, Customer Service, Corporate Finance, Legal Services, IT Service, etc.).
- External agencies such as the Planning Inspectorate, the Local Government & Social Care Ombudsman (LGO) or the Secretary of State, in the event of an appeal or to carry out the Examination in Public.
- Statutory consultees such as the Environment Agency, Natural England, and county, district and town/parish councils.

5.12 We also make details of planning applications, comments on planning applications and planning policy consultation responses available online to enable planning decisions to be considered in a transparent and open manner.

Redaction ('blanking things out')

5.13 We operate a policy where we routinely redact the following details before making forms and documents available online:

- Personal contact details for the applicant e.g. telephone numbers, email addresses;
- Signatures;
- Special Category Data e.g. supporting statements that include information

about health conditions or ethnic origin;

- Information agreed to be confidential.

5.14 Sometimes we may decide that it is necessary, justified and lawful to disclose data that appears in the list above. In these circumstances, we will let you know of our intention before we publish anything.

5.15 If you are submitting supporting information which you would like to be treated confidentially or wish to be specifically withheld from the public register, please let us know as soon as you can – ideally in advance of submitting an application or making a representation.

How long we will hold your data

5.16 Personal data will not be retained for longer than necessary for the purposes for which it was collected. There is usually a legal reason for keeping your personal information for a set period of time which ranges from months for some records, to years for more sensitive records. For example:

- Statutory registers (e.g. planning decisions, approved plans, legal agreements) – in perpetuity.
- Supporting documents and reports – in perpetuity.
- Representations, letters, general correspondence on planning applications – in perpetuity.
- Submissions and evidence relating to planning enforcement investigations – in perpetuity.
- Data used for Development Plans, Supplementary Planning Documents, Guidance and Community Infrastructure Levy – six years after adoption.

5.17 All information submitted within a planning application, consultee and neighbour representations, and petitions, including names, addresses, signatures and contact details, will be retained by the Council on a permanent basis and will form part of the Statutory Planning Register.

Providing accurate information

5.18 We need to hold accurate and up to date information about you so that we can deliver appropriate services. If any of your details change, you need to tell us as soon as possible so that we can update your records.

5.19 We will not sell your information to other organisations for marketing or commercial purposes. We will not send or store your data abroad unless it meets the requirements of the Data Protection regulations. We will not make decisions about you based on automated processing.

Your Rights

5.20 Basildon Borough Council will process your information in accordance with your personal rights under the Data Protection Act 2018 and GDPR 2018. You can find out more about your rights on the Council's website at http://www.basildon.gov.uk/privacy, which includes a range of details on how to

manage your privacy, request data and complain to the Information Commissioner.

5.21 If you have any questions or concerns regarding the way we collect, store or use your personal information, please contact dataprotectionofficer@basildon.gov.uk or 01268 533333.

6. Monitoring and Review

6.1 The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017 requires a review of the SCI to be completed every five years, starting from the date of adoption. Additional changes in national legislation or policies within the Development Plan may trigger an automatic review of the SCI.

6.2 This SCI will be monitored regularly to ensure methods are kept up to date and are relevant to the local community. Changes to the document will be made in the following circumstances:

- where changes to planning legislation or government guidance affect consultation procedures and requirements;
- where in the light of experience and feedback from community involvement exercises, changes are necessary to improve arrangements;
- where the Council makes new arrangements for community engagement, which are not reflected in the existing SCI;
- the need to reflect examples of best practice emerging from elsewhere.

6.3 In carrying out monitoring, the Council will ensure that systems are in place to monitor and evaluate the effectiveness of the consultation process and the extent to which methods remain fit for purpose. Feedback from consultation exercises will be used to evaluate the methods and approaches proposed. Alternative techniques will be evaluated in terms of cost effectiveness and availability of resources to implement.

6.4 Any necessary changes to the SCI will be noted for review and will be reported through the Council's Annual Monitoring Report (AMR).

Appendix 1: Glossary & Abbreviations

CIL	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.
DM	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.
DPD	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.
	Independent Examination	Presided over by a Planning Inspector or Panel of Inspectors appointed by the Secretary of State; this can consist of hearing sessions, or consideration of written representations to consider whether the policies and proposals of the local planning authority's Development Plan Document are sound.
	Local Council	This is the term used to include Village, Town and Parish Council's.
LDD	Local Development Document	The collective term covering Development Plan Documents and Supplementary

		Planning Documents.
LDS	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
LPA	Local Planning Authority	The public authority whose duty it is to carry out specific planning functions for a particular area.
NPPF	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
NPPG	National Planning Policy Guidance	Provides details to support the effective implementation of the National Planning Policy Framework.
NDO	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.
NDP	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.
PD	Permitted Development	Minor development or changes of use that can be made to a house or building within the need for planning permission.

P&CPA	Planning & Compulsory Purchase Act 2004	The Act that introduced the Local Developments Frameworks system.
	Planning Inspectorate	A government body who carry out examination of Development Plan Documents and the Statement of Community Involvement to assess their soundness.
PPA	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.
	Privacy Notice	The EU General Data Protection Regulation (GDPR) requires that data controllers provide certain information to people whose information (personal data) they hold and use. A privacy notice is one way of providing this information. This is sometimes referred to as a fair processing notice. A privacy notice should identify who the data controller is, with contact details for its Data Protection Officer. It should also explain the purposes for which personal data are collected and used, how the data are used and disclosed, how long it is kept, and the controller's legal basis for processing.
	Review	The process following the Annual Monitoring Report where the effectiveness of a Local Development Document or individual policy is judged and a decision is taken to retain, modify or replace the policy or document.

SA	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.
SCI	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.
SEA	Strategic Environmental Assessment	The European SEA Directive requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. Local authorities are advised to take an integrated approach towards Sustainability Appraisal and Strategic Environmental Assessment to avoid unnecessary duplication and confusion. Together they will play an important part in testing the soundness of local development documents, ensuring that they contribute towards achieving sustainable development.
	Stakeholder	An individual, organisation or party that has an interest in a project or topic.
SPD or SPG	Supplementary Planning Document or 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 Local Development Framework will be material considerations which have significant weight in the process of making decisions on planning applications.
	Virtual/Remote Meeting	A virtual or remote meeting is when people use digital media such as video, text, and audio to link up irrespective of their physical location. Virtual meetings are designed to replace in-person meetings, to remove the need to travel to the actual location where the meeting

		would normally be held.

Appendix 2: A Selection of Consultation Methods

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
Letter	• Direct • Personal	• Labour intensive, high cost	I, C, F
Email	• Direct • Personal • Convenient • Low cost	• Requires internet connection and computer access as well as computer literacy which could exclude some people	I, C, F
Internet/website	• Accessible 24/7 • Convenient • Allows provision of information and discussion as well as collection of views. Extensive documentation can be made available on the Web without large printing costs, and allowing selective access	• Limited number of people may not have access, e.g. to Internet • Impersonal • Requires Internet connection and computer access as well as computer literacy which could exclude some people • For surveys it may be hard to verify accuracy of respondent details (so may get some multiple replies, replies from outside the area etc.) • Specialist help usually required in designing web pages, discussion forums and possibly analysing responses • Initial infrastructure costs	I, C, F
Media - Newspaper article/press release	• Wide reaching; high profile • Specialist press can be used to target particular groups, such as	• No editorial control • Take up varies	I

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
	• certain parts of the business community, or those hard to reach through other means. • Low cost		
Media – 'together' magazine	• Wide reaching • Low cost • Editorial control	• Take up varies • Seasonal	I
Media – advert/notice	• Wide reaching	• High Cost	I
Adverts in public places	• Wide reaching • Targeted	• High Cost	I
Posters in the library	• Wide reaching • Low cost	• May not generate wider involvement	I, C
Leaflets/Brochures	• Targeted, feedback	• Size limited, high cost	I, C
Public exhibitions/ displays/ road shows*	• Locally targeted • Direct interaction • Both give and receive information. Information can be given in a range of ways (words, pictures/ graphs/ diagrams, models, etc. and can provide for first-hand experience). • Drop-in facility means it can be convenient for more people • The principles will be familiar to most people	• Unrepresentative • Localised • May not promote full consultation • Labour intensive to prepare staff; and high cost	I, C

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
Written consultation/ referenda/ community surveys	• Covers issues • Specific and quantifiable • Useful where questions and issues understood • May be easier to reach people geographically dispersed. If sending to larger numbers of people is more inclusive and seen to be consulting people • Respondent has more time to consider answers	• Doesn't allow for two way dialogue; no chance for discussion so not useful in areas where respondents are likely to be not well informed • Questions have to be meaningful, understandable and useful; Survey structure can determine responses. • May be unrepresentative depending who decides to respond • Need statistically robust selection; Analysis can be extremely time consuming • Cost – including information and publicity costs	C
Citizens Panel	• Already established • Wide coverage • Representative sample of the Borough's population	• Response rates vary • Questionnaires may disadvantage those who have difficulty with the reading or the language used • People on the panel become more knowledgeable than the general public over time, and therefore less representative • May not generate wider involvement • High Cost	C
Public meetings*	• Informs • Promotes debate	• Suited to vocal public • Could be confrontational	C, P

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
	• Gives a large number of people, with open invitation, the chance to have their say	• High Cost • Labour intensive	
Focus Groups*	• Suited to group working • Good for issues where need in-depth qualitative view. • Useful to generate questions for quantitative analysis or analyse and explain after quantitative survey. • Can be used to assess reaction to proposed changes. • Avoids just hearing the 'loudest voices'. May be used to focus on sections of the community commonly excluded. • Group discussion allows ideas to be built on, and directions taken not initially thought of, rather than follow single individual's view or preset questions	• Small representation • High Cost	C, P

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
	• Good for accessing Seldom Heard		
Pre-existing panels/ area forums, including the Local Strategic Partnership	• Already established • Good for reaching people in their own areas and addressing specific local concerns. • Regular updates	• May not generate wider involvement • Suited to vocal public • Unlikely to be representative; could end up being dominated by a small clique • Cost; Labour intensive	C, P
Workshops - including engagement with 11-18 age group through school	• Suited to small groups • Discussion of issues • Good for accessing Seldom Heard	• Small samples, possible bias	C, P
Drop in surgery or meeting	• Direct, personal	• Labour intensive • Small representation • Needs resourcing	C, P
Steering/Advisory Group/ Service User Group	• Community steer • Suited to specific topics; enables input from stakeholders • Council can design the group to meet its needs • A chance to discuss the issues with the people who know. • Can help generate new	• Potential exclusivity; Unlikely to be representative • High Cost; Labour intensive • May be difficult to recruit people to a Council panel	C, P

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
	ideas and provide early warning of problems		
Speaking at Council committee meetings	• Best suited to specific issues such as planning applications • Allows direct, systematic dialogue	• Not available for all meetings • Suited to vocal public; Could be confrontational • Small representation • Unlikely to be representative on wider issues	P
Planning for Real/ Concept Statements/ Community planning events - Models, site visits, photos and other illustrations are used interactively, to allow the public to influence planning, development and environmental decisions.	• Allows communication in a medium most people can work with, not requiring high literacy. • People can see the results of different options. • People involved in the decision making, making use of local knowledge, helping generate options, not just consulted on them. • Allows people to raise problems in a non-confrontational way. • Particularly appropriate for physical/geographical issues.	• People need to attend to be involved so may exclude some and not be totally representative • Labour intensive; expensive, especially preparation costs for Planning for Real models	C, P
Social media -	• Wide audience	• Limited number of	I, C, P, F

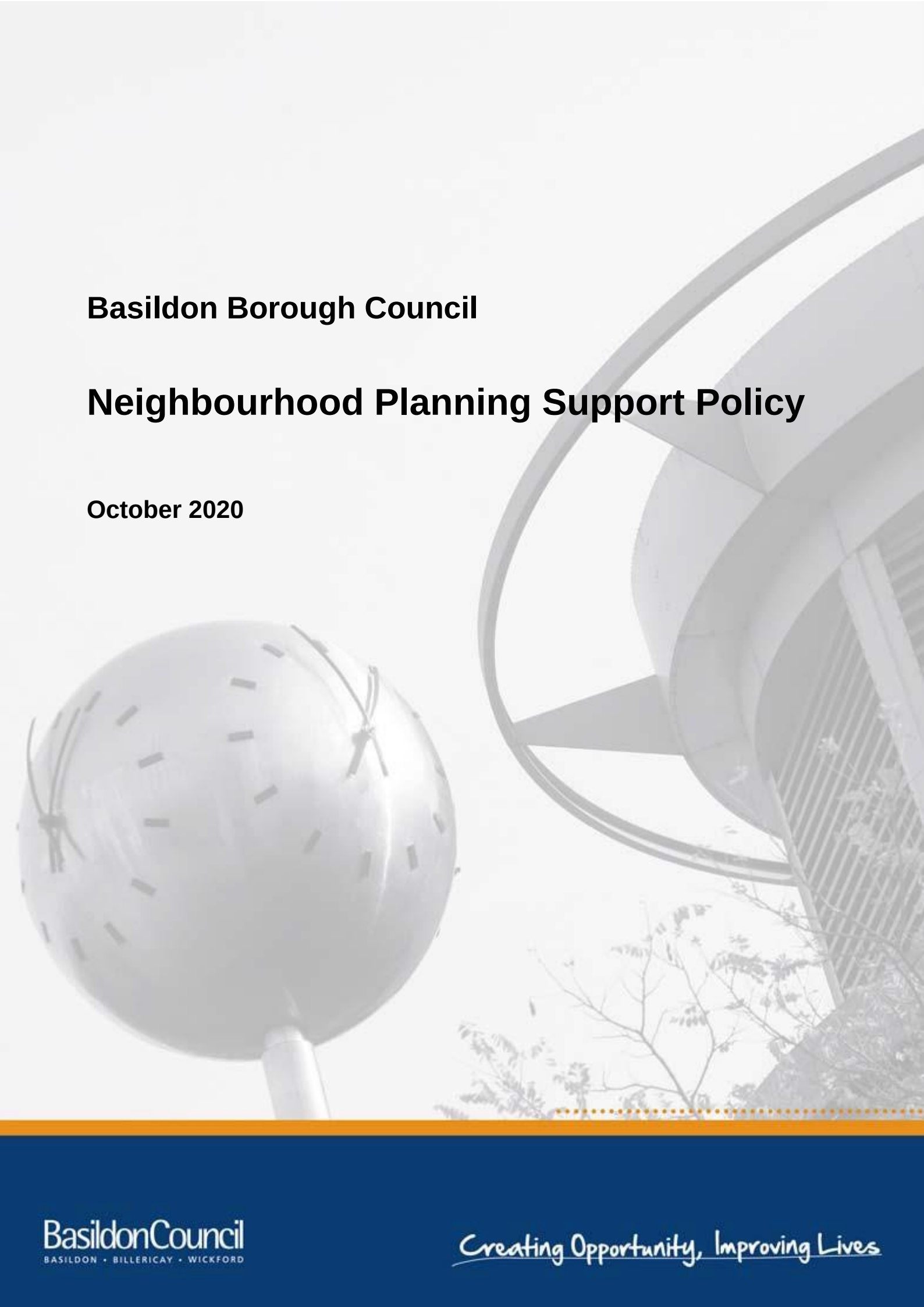
METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
Facebook and Twitter	• Immediate response • Cost effective • Quick way of raising awareness	people may not have access to Internet • Requires Internet connection and computer access as well as computer literacy which could exclude some people	
Virtual or Remote exhibitions/ Digital consultations/ Video conferencing	• Targeted • Direct interaction • Both give and receive information. Information can be given in a range of ways (words, pictures/ graphs/ diagrams, models, etc. and can provide for first-hand experience). • Digital platform means it can be convenient for more people • Suited to group working • 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	• Requires internet connection and computer access as well as computer literacy which could exclude some people • Specialist help usually required in designing web pages, discussion forums • Initial infrastructure cost • Unrepresentative • May not promote full consultation	C, P, F
Telephone Consultation	• Good for accessing	• Small representation • May not promote full	C, P

METHOD OF CONSULTATION	ADVANTAGES	DISADVANTAGES	LEVEL OF INVOLVEMENT
KEY : I = INFORMATION; C = CONSULTATION; P = PARTICIPATION; F = FEEDBACK			
	Seldom Heard groups • Locally targeted • Direct interaction	consultation • Labour intensive to prepare • High cost	

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

Note: *In response to the spread of Coronavirus (COVID-19), some methods of consultation would not be appropriate in certain circumstances, having regard to the most up-to-date government policy or guidance on social distancing.*

Appendix 3: Basildon Borough Neighbourhood Planning Support Policy



Basildon Borough Council

Neighbourhood Planning Support Policy

October 2020

BasildonCouncil
BASILDON • BILLERICAY • WICKFORD

Creating Opportunity, Improving Lives

Content

	Page
1. Executive Summary	64
2. Introduction	65
3. Outcomes and Priorities	65
4. Context	66
5. Support Policy Statement	69

1. Executive Summary

The neighbourhood planning regime was introduced by the Localism Act 2011 (amending the Town and Country Planning Act 1990) as a tool for local people and businesses to better guide the development and future of the places where they live or trade.

Neighbourhood planning is not a legal requirement; but it is a right which communities can choose to use. The decision to prepare a Neighbourhood Development Plan or Neighbourhood Development Order is one that only a Local Council (including Town, Parish and Village Councils) or a community group or organisation proposing to form a Neighbourhood Forum can make. Basildon Borough Council is not involved in this plan making process, however they are legally obliged as the local planning authority to provide support to these bodies through the statutory stages of neighbourhood planning.

Basildon Borough Council has prepared this Support Policy to manage expectations and to provide clarity on the level of 'advice and assistance' the Council will provide to Local Councils and Neighbourhood Forums at the various stages of the neighbourhood planning process. This is in addition to the decision-making responsibilities set out in legislation that the Council is required to undertake.

2. Introduction

Neighbourhood planning provides a powerful set of tools for local people and businesses to shape the development and growth of their local area. They are able to choose where new homes, shops and offices should be built, have their say on what infrastructure should be provided, and grant planning permission for new buildings they want in their area.

Basildon Borough Council, as a local planning authority, has a statutory duty to assist Local Councils and communities in the preparation of Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDOs) and to take them through a process of examination and referendum.

To manage expectations and to ensure that the Council supports all Local Councils and communities proposing to produce NDPs and NDOs in a fair and equitable way, the Council has produced this Neighbourhood Planning Support Policy.

3. Outcomes and Priorities

The following high level, strategic goal of the Support Policy has been identified along with the key priority for achieving that goal.

Outcome: Basildon Borough Council, as the local planning authority, fulfills its statutory responsibilities for neighbourhood planning under the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004 (as amended), and in accordance with the National Planning Policy Framework and the Planning Practice Guidance.

Priority: The Council will provide advice and assistance to Local Councils and designated Neighbourhood Forums in the preparation of neighbourhood development plans and orders.

Council Promises

The following table identifies how this Support Policy contributes to the delivery of the three corporate promises.

Corporate Promises	Levels of Impact			
	High	Medium	Low	None
Strong, safe and healthy communities with access to quality homes	✓			

Vibrant town centres and a thriving economy for everyone			✓	
Enhanced local environment and increased pride in our borough	✓			

4. Context

The neighbourhood planning regime was introduced by the Localism Act 2011 (amending the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004) as a way for local people and businesses to better guide the development and future of the places where they live or trade. Neighbourhood planning is not a legal requirement, but it is a right which Local Councils and local communities can choose to undertake, should they wish to.

Who can produce a neighbourhood development plan or neighbourhood development order?

In August 2012, Local Councils (including Town, Parish and Village Councils) and new unelected 'Neighbourhood Forums' were given powers to prepare NDPs and NDOs in the Neighbourhood Planning (General) Regulations 2012.

In areas without a Local Council, local people and businesses will need to decide which organisation or group should produce the NDP or NDO. The organisation or group will need to apply to the local planning authority, in this case Basildon Borough Council, to be designated as a 'Neighbourhood Forum'. Those making an application will need to demonstrate that they have met certain conditions set out in the relevant legislation, such as having a written constitution and having a membership at least 21 individuals who work, live and/or are elected members for the local authority in the neighbourhood area.

In neighbourhood areas which include part or all of the administrative area of a town, village or parish council, the Local Council is the only organisation responsible for neighbourhood planning. However, Local Councils should work with other members of the community who are interested in, and affected by, the NDP or NDO.

Basildon Borough Council cannot produce an NDP or NDO. Instead, it is the Council's role to provide support to Local Councils or Neighbourhood Forums and guide them through the statutory stages of neighbourhood planning.

Differences between Neighbourhood Development Plans and Neighbourhood Development Orders

A NDP establishes general planning policies for the development and use of land in a defined neighbourhood area. This can be the same as a parished area where one exists, but does not have to be. The NDP should support strategic development needs set out

in the area's corresponding Local Plan and plan positively to support local development. If successful at independent examination and referendum, the NDP will become part of the statutory Development Plan once it has been 'made' (brought into legal force) by the local planning authority, and it will be used to determine planning applications in its area.

A NDO can directly grant planning permission for specific types of development within a defined neighbourhood area. Permission could be full or outline and could have conditions attached. NDOs can be site specific, or grant more generalised development rights across the neighbourhood area. Where a neighbourhood development plan has made it clear that it wants to encourage development of a particular type, it will be easier for that development to go ahead if a NDO is in place; effectively transferring the decision-making power from the local planning authority to the NDO.

Relationship with Local Plans

NDPs are not an alternative to Local Plans. Local planning authorities must continue to prepare Local Plans that set the strategic context for development within the wider administrative area, where in different parts, the neighbourhood planning regime could also operate.

Neighbourhood plans are expected to support the delivery of strategic policies contained in the Local Plan or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

Aim of the Neighbourhood Planning Support Policy

Basildon Borough Council has prepared a Support Policy to manage the Council's legal obligations (Town and Country Planning Act 1990 (as amended)) to Local Councils and Neighbourhood Forums, in respect of supporting them through the neighbourhood planning process.

The Support Policy provides clarity on the level of 'advice and assistance' the Council will provide to Local Councils and Neighbourhood Forums at the various stages of preparing NDPs or NDOs. It does not change or otherwise affect the decision-making responsibilities set out in legislation that the Council must undertake.

Stages of Neighbourhood Planning

The stages for neighbourhood planning, as identified from the Neighbourhood Planning (General) Regulations 2012 and Planning Practice Guidance, are as follows:

<u>Stage 1: Designating a Neighbourhood Area and if appropriate, a Neighbourhood Forum:</u>

The first stage of preparing a NDP or NDO is to designate the neighbourhood area. The neighbourhood area is chosen by the Local Council or a group suitable of becoming a designated Neighbourhood Forum and must be submitted as an application to the local

planning authority. The local planning authority will then publicise the area application that has been made and determine whether to designate the area.

In areas where there is no Local Council, and there is the desire to prepare a NDP or NDO, a Neighbourhood Forum must be formed to lead and co-ordinate the plan-making process. The Neighbourhood Forum must meet certain conditions and submit a neighbourhood forum application to the local planning authority. The local planning authority will then publicise the application that has been made and determine whether to designate the group as a Neighbourhood Forum.

Stage 2: Preparing a draft Neighbourhood Development Plan or Order:

The Local Council or Neighbourhood Forum should engage with those living and working in the neighbourhood area and those with an interest in, or affected by, the proposals and develop a draft NDP or NDO. The preparation of the draft NDP or NDO should include gathering evidence, identifying and assessing options, and considering whether the NDP or NDO is likely to have any significant environmental effects.

Stage 3: Pre-Submission Publicity and Consultation

Once the draft NDP or NDO has been prepared by the Local Council or Neighbourhood Forum they must publicise it and invite representations as part of a consultation. Consultation responses should be duly considered and the draft NDP or NDO amended as appropriate, and a consultation statement or other proposals documents prepared.

Stage 4: Submission of the draft Neighbourhood Development Plan or Order:

Once the Local Council or Neighbourhood Forum has carried out a pre-submission consultation on the draft NDP or NDO and made any necessary changes it must submit the draft NDP or NDO to the local planning authority.

The local planning authority will check that the draft NDP or NDO meets the legal requirements and the ‘basic conditions’. If it does, the local planning authority will then publicise the draft NDP or NDO and appoint an independent Examiner.

Stage 5: Independent Examination:

The local planning authority will submit the draft plan or order to the independent Examiner and arrange the examination. The independent examiner will consider whether the draft NDP or NDO meets the ‘basic conditions’ and other legislative requirements. They will make recommendations on whether any modifications should be made and whether the draft NDP or NDO should proceed to the referendum stage.

Stage 6: Referendum:

If the draft NDP or NDO is found to be satisfactory, with modifications as necessary, then a referendum will be arranged by the local planning authority[30]. More than 50 per cent of the voters would need to vote in favour of the draft NDP or NDO in the referendum for it to proceed to the next stage.

Stage 7: Making the neighbourhood development plan or order (bringing it into force):

Subject to the results of the referendum the local planning authority must consider the NDP or NDO in relation to EU obligations and Convention rights. If it is compatible with EU obligations and doesn't breach Conventions rights, the local planning authority will bring the NDP or NDO into legal force and it will then form part of the statutory Development Plan for its area.

5. Support Policy Statement

The Council will provide the following specific support to Local Councils and Neighbourhood Forums at the various stages of the neighbourhood planning process, in addition to its statutory requirements:

General support (applicable during the neighbourhood planning process):

- *Offer a briefing session on neighbourhood planning to Local Councils, or members of the community who are interested in forming a Neighbourhood Forum;*
- *Provide contact details of key officers in the Council dealing with Neighbourhood Planning;*
- *Provide information relating to funding, resources and skills required;*
- *Allocate a dedicated officer to each Neighbourhood Area to maintain continued dialogue; and*
- *Provide advice on project plans prepared by the Local Council or Neighbourhood Forum.*

Stage 1: Designating a Neighbourhood Area or Designating a Neighbourhood Forum (applicable only in non-parished areas):

- *Set up and maintain a Neighbourhood Planning area/page on the Council's website;*
- *Advise on member requirements and governance arrangements.*

[30] All neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 until 6 May 2021. These provisions will be kept under review and may be amended or revoked in response to changing circumstances.

Stage 2: Preparing a draft neighbourhood development plan or order:

- *Provide details and electronic copies of existing and emerging local planning policy;*
- *Provide electronic maps of Neighbourhood Area and relevant planning designations;*
- *Provide electronic copies of any existing relevant evidence base;*
- *Provide advice on the regulations and legislation;*
- *Advise what needs to be produced in order to comply with EU obligations*
- *Have a screening opinion process in place in relation to the Strategic Environmental Assessment Directive and advise on a Scoping Report where required;*
- *Provide links to useful guidance, websites and forums;*
- *Advise of necessary consultees; and*
- *Provide advice to ensure the draft plan or order complies with the Equality Act 2010.*

Stage 3: Pre-Submission Publicity and Consultation

- *Provide advice on the statutory consultation process/consultees;*
- *Provide advice on suitability of the plan in meeting the 'basic conditions'.*

Stage 4: Submission of the draft neighbourhood development plan or order:

- *Ensure that the submitted plan complies with all relevant legislation.*

Stage 5: Independent Examination:

- *Undertake final checks for legal compliance*
- *Supply Programme Officer for Examination*

Stage 6: Referendum:

- *Allocate a Project Officer for electoral services*
- *Verify the selection of the electoral base with the Local Council or Neighbourhood Forum*

Stage 7: Making the neighbourhood development plan or order (bringing it into force):

- *N/A*

Basildon Borough Council will keep under review the level of advice and assistance it is able to offer to Local Councils and Neighbourhood Forums preparing neighbourhood

development plans or orders. This is to ensure that the Council's resources are fairly and equitably discharged should the demand for support from the Council increase significantly.

Additional support to Local Councils and Neighbourhood Forums, beyond what is specified above, may be available subject to resources. Requests should be submitted in writing to the Council, via the dedicated officer for the Neighbourhood Area.

Monday to Friday
10am to 5pm

BasildonCouncil
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