



Braintree District Council

# Statement of Community Involvement



September 2013

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## Background

# 1 Background

## Amendment to Statement of Community Involvement 2012

**1.1** The first Statement of Community Involvement was adopted by the Council in July 2006, following a public consultation and review by an independent Planning Inspector. A supplement was approved in September 2009 due to the Council introducing pre-application charging. A further minor amendment was approved by the LDF Panel in April 2010.

**1.2** It is considered necessary to review the Statement of Community Involvement at this time due to the following changes:-

### 1. Changes to legislation

- Town and Country Planning (Local Planning) (England) Regulations 2012;
- Localism Act 2011;
- National Planning Policy Framework (NPPF) 2012, which has affected some of the statutory requirements set out in the Statement of Community Involvement;
- s110 of the Localism Act sets out the 'duty to co-operate' and paragraph 156 of the NPPF sets out strategic issues where cooperation might be appropriate.

### 2. Changes to the corporate priorities of the Council

### 3. Changes to the committee meeting structures

**4. Technological Changes.** These have led to the increased use of electronic communication and websites, as the preferred method for both disseminating information and receiving responses.

## Consultation on draft revised Statement of Community Involvement

**1.3** This Statement of Community Involvement has been published for a six week public consultation period using both the methods set out in the previously adopted document and the additional methods set out in this document. The representations received have been carefully considered and reported to the Local Development Framework Sub Committee, who have considered whether any changes should be made before a final version of the Statement of Community Involvement was approved by Council on 23rd September 2013.

**1.4** The revised Statement of Community Involvement will be subject to an Equalities Impact Assessment to ensure that the needs of people in respect of disability, gender or race are taken into account.

# Introduction

## 2 Introduction

**2.1** The Planning and Compulsory Purchase Act 2004 introduced a new planning system in England in September 2004 including the requirement to produce a Local Development Framework (LDF), which consists of Development Plan Documents (DPDs), and an accompanying Statement of Community Involvement (SCI).

**2.2** The Statement of Community Involvement sets out how and when the Council will involve local communities in the planning system, together with a description of the types of involvement that will be used. The document includes community engagement in both plan making and consultation on planning applications.

**2.3** The Localism Act 2011 puts engaging with local communities to shape the places where they want to live, work and play at the heart of the planning system.

**2.4** The National Planning Policy Framework (NPPF) published in March 2012 provides the framework for local communities and the local authorities to prepare local and neighbourhood plans, that reflect their visions and aspirations through the LDF process. The NPPF recognises that early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential.

**2.5** The key stages for preparing the Development Plan Documents are set out in Town and Country Planning (Local Planning) (England) Regulations 2012. In summary these are set out in stages:

- **Regulation 18** – Public participation in preparation of DPDs
- **Regulation 19 + 20** – Publication of a DPD and making representations (under regulation 20 consultation is 6 weeks)
- **Regulation 22** – Submission of documents to Secretary of State
- **Regulation 23 to 25** – Examination process
- **Regulation 26** – Adoption of DPD.

## The Plan Making Process



## 3 The Plan Making Process

**3.1** The Planning and Compulsory Purchase Act 2004 required the preparation of new planning documents to replace the previous 'Local Plan' system. This new suite of documents was called the Local Development Framework (LDF). However, following a change of government in 2010, a new set of Town and County Planning (Local Planning) (England) Regulations came into force in 2012 and these revert to the former terminology of a 'Local Plan'.

**3.2** Braintree District Council has already adopted a Core Strategy under the Local Development Framework System. It will continue to use this terminology where necessary, which also helps to distinguish the new plans from the previous guidance for the District, which is set out in the Local Plan Review 2005. When both the Core Strategy and the Site Allocations and Development Management Plan have been adopted, they can collectively be referred to as the 'Local Plan.'

**3.3** Regardless of whether local authorities are producing several separate development plan documents or a single Local Plan, the purpose of these documents remains the same. It will set out how the Council plans for, and make decisions about, the future of towns, villages and countryside in the District. It will set out a strategy for the future development of the District, which is based on a clear and locally distinct vision. This vision should be developed with the involvement of the local community and there should be commitment by all relevant agencies to its delivery.

**3.4** The Local Development Framework consists of a number of documents, including Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs), a Local Development Scheme (LDS), an Annual Monitoring Report (AMR) as well as this Statement of Community Involvement. Further details about each document are given below.

### Development Plan Documents (DPD's)

**3.5** Development Plan Documents (DPDs) are planning documents that cover policies, proposals and allocations. They are statutory documents prepared in accordance with set procedures. This includes community involvement throughout the process. The DPDs will be subject to a public examination to assess their soundness, which will be carried out by an independent Planning Inspector, before being adopted by the Council.

### Core Strategy DPD

**3.6** In September 2011, the Council adopted the Core Strategy for the District setting out the long-term vision for the District and the strategic policies required to deliver that vision, with an accompanying Proposals Map and strategic growth locations.

### Site Allocations and Development Management Plan

**3.7** The Council will prepare a combined document known as the Site Allocations and Development Management Plan. This allocates areas for specific land-uses including residential, employment, open space and areas to which detailed policies will apply. It also sets out the detailed policies, which will be used in the consideration of all planning applications. An updated Proposals Map and Inset Maps will also accompany this document.

## Proposals Map

**3.8** The Council is required to produce a proposals map as part of the LDF. It identifies geographically the adopted policies and proposals of the Development Plan Documents. The adopted proposals map reflects the most up to date spatial plan for the District and is revised when new policies and proposals are adopted. Inset maps have been prepared at a larger scale than the proposals map to show certain areas in more detail.

## Area Action Plans

**3.9** An Area Action Plan is a Development Plan Document, which is focused on a specific location, or area subject to conservation or significant change. It focuses on implementation and the delivering development of an appropriate scale, mix and quality for areas of opportunity, change or conservation. It should ensure protection for sensitive areas to change and resolve conflicting objections in areas subject to development pressures.

**3.10** There are no current plans to produce any Area Action Plans as the Core Strategy included strategic growth locations, with defined boundaries, which set out policies and land-uses for those specific locations. Master Plans will be prepared for each growth location to guide planning applications for these areas.

## Local Development Scheme

**3.11** The Local Development Scheme (LDS) is a project planning document for the Local Development Framework. It sets out the documents that the Council intends to produce, their scope and the timetable for their preparation. This is available on the Council's website. It will be regularly updated.

## Annual Monitoring Report

**3.12** The Council prepare an Annual Monitoring Report (AMR) which is published at the end of December each year. This will assess the extent to which policies in Local Development Documents are being successfully implemented. It will also assess the housing land and gypsy and traveller pitch supply against the five year requirement and set out the housing trajectory.

**3.13** Once the Local Plan is adopted, the Annual Monitoring Report will be called the Authorities Monitoring Report in line with the Planning Regulations 2012.

## Supplementary Planning Documents

**3.14** As part of the Local Development Framework, the Council is proposing to prepare a number of Supplementary Planning Documents (SPD's) and update others. The SPD's cover a range of issues, specific subjects, or individual sites. They are intended to explain, or provide further detail about policies, or site allocations in a Development Plan Document. SPD's will be subject to community involvement during their preparation, but are not subject to independent examination.

## Sustainability Appraisals

**3.15** The Council will undertake sustainability appraisals (SA) and Strategic Environmental Assessments of Development Plan Documents throughout their preparation. This will test the policies and proposals against sustainability objectives and enable them to be modified where appropriate to mitigate potential adverse effects. The sustainability appraisals will be published for consultation alongside the Development Plan Documents.

## Neighbourhood Plans

**3.16** The Localism Act 2011 introduced reforms to the planning system and enables communities through a parish/town council or by establishment of a Neighbourhood Forum to create Neighbourhood Plans for their area with support from the Council.

**3.17** This has introduced a new tier of Plans. The Neighbourhood Planning (General) Regulations 2012 provide further details of the process of Neighbourhood Planning, including requirements for consultation and publication of neighbourhood areas, forums and plans. At present, the Council have not received any proposals for organisations to be designated as neighbourhood forums, nor any applications for designations of neighbourhood areas. There has been limited interest expressed by parish councils in the preparation of Neighbourhood Plans.

**3.18** Neighbourhood plans do not need to comply with the SCI, but it would be a useful starting point. It is for the Parish Council or Neighbourhood Forum to decide who to consult given the scope and nature of the proposals. The Local Planning Authority could however advise under their duty to support.

**3.19** Before the examination, the local planning authority has to check that the submitted plan/order is legally compliant, i.e. the procedural steps have been followed. The examiner's report is not legally binding, but the authority must have clear reasons for departing from any of the examiner's recommendations.

## CIL

**3.20** Community Infrastructure Levy is a charge that local authorities can choose to levy on specified new development in their area. The Council must demonstrate an infrastructure funding gap and consult on the proposed charging schedule. The CIL will be submitted to the Secretary of State and subject to a public examination by a Planning Inspector.

## Stages in Preparation of Development Plan Documents

## 4 Stages in Preparation of Development Plan Documents

**4.1** The main stages in the preparation of the Development Plan Documents (DPD's) are detailed below:

### Website

**4.2** The Council will publish details on the website of the timetable for the preparation of DPDs and will regularly update this. DPD's that have been adopted will also be set out on the website together with supporting evidence studies.

**4.3** An interactive version of the Local Plan will also be available on the website.

### Preparation and Public Participation

**4.4** Survey and evidence gathering to understand the main issues to be addressed in the document. Collating up to date information on social, environmental and economic matters. Community Led Plans which highlight local needs, issues and priorities will form part of the assessment of evidence.

**4.5** Early consultation will be conducted on the broad subject of each DPD as considered appropriate by the Council.

### Consultation on the Draft Document

**4.6** This consultation stage is a statutory requirement. There will be a six week consultation period for a development plan document and a four to six week consultation for a Supplementary Planning Document. This is an opportunity for the community, statutory consultees and other stakeholders to submit representations on the document and raise concerns. It is also an opportunity to set out alternative options to those being proposed.

**4.7** The Council will publish the document electronically and in a hard format.

**4.8** A Sustainability Appraisal must be integrated at this stage to shape the document from a sustainability perspective.

### Duty to Co-operate

**4.9** The Localism Act and the National Planning Policy Framework (NPPF) places a duty on local planning authorities and other bodies to cooperate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive and active engagement on the preparation of development plan documents and other activities relating to the sustainable development and use of land, in particular in connection with strategic infrastructure.

## Production/Publication

**4.10** After considering the responses to the previous draft document publication, the Council will publish, what it considers should be the final version of the document called the Submission Document. This will contain finalised policies and proposals. The Council will publish the document electronically and in a hard format.

**4.11** It will be submitted to the Secretary of State and published for formal consultation for six weeks. This will be accompanied by a document that sets out how representations have been dealt with in accordance with the Statement of Community Involvement. A Statement of Compliance with 'Duty to Cooperate' will be prepared by Braintree District Council, as Local Planning Authority to demonstrate that it has complied with the 'duty to co-operate' in the preparation of the DPDs. The outcomes of such co-operation will be tested against the evidence at examination.

**4.12** Alternative options put forward by others will also be published and made available for inspection.

**4.13** The way in which representations are made at this stage will become more formal. Representations can only relate to whether it has been prepared in accordance with the Duty to Cooperate, the relevant legal and procedural requirements, and whether it is considered to be 'sound'. As such representations at this stage should only make reference to these matters.

**4.14** At the same time the Sustainability Appraisal Report will be published together with other supporting documents.

**4.15** For Supplementary Planning Documents the Council will consider representations made to the draft document, make any changes that are appropriate and then adopt it.

## Public Examination

**4.16** Copies of all representations received during the period for consultation on the Submission Development Plan Document together with a summary of previous issues and how they were dealt with, will be forwarded to Secretary of State who will appoint an Inspector to carry out the examination into the soundness of the document. The tests of soundness are set out below:

**4.17** The NPPF sets out the following tests of soundness:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the framework.

**4.18** The Council will appoint a Programme Officer who will notify consultees of the convening of a pre examination meeting (if required) and the public examination itself. A notice will also be published in the local press detailing the time and place where the examination will be held and the name of Inspector.

**4.19** Following this examination the Inspector will produce a report setting out recommendations to changes that he/she feels necessary for it to be considered sound. The Inspector's Report is no longer binding on the Council, but cannot be ignored as an unsound document could not be used in the determination of planning applications. The Council can also suggest their own modifications to the Inspector during the examination, as well as making minor non- material changes themselves.

**4.20** Examinations are not required for Supplementary Planning Documents, or the Statement of Community Involvement.

### **Adoption**

- Modification stage

**4.21** Following receipt of the Inspector's report the Council will make the necessary changes to the document and then adopt and publish the document together with its sustainability appraisal. This will be advertised and made available at Council offices and public libraries in the District. It will also be available on the Council's website.

**4.22** The different documents in the Local Development Framework will need to be consistent with one another and national legislation. This means that there may be some policies or proposals in a document that it will not be possible to change without breaching the need for conformity. When undertaking community involvement the Council will make the constraints clear and identify what can and cannot be influenced by the public.

## Community Involvement in LDF



## 5 Community Involvement in LDF

**5.1** The NPPF highlights that there needs to be ‘early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses’.

**5.2** The Council intends to maintain a process of ongoing community involvement and aims to encourage early involvement in the preparation of each document so that everybody feels that they have had a chance to influence local policy decisions that are made. The Council intends to let people know about what it is doing, what stage it has reached in the preparation of documents, where documents can be inspected, how people can be involved and the results of consultations. This information will be continually updated.

**5.3** The Town and Country Planning Regulations 2012 set out the minimum requirements for public participation in the preparation of a DPD. It is proposed to go beyond these requirements, to fully engage the wider community.

### Methods of Community Involvement

**5.4** A number of different methods will be used depending on the nature of the subject involved, audience and Council resources to ensure effective and wide ranging community involvement.

**5.5** The following list details some of the methods and activities we will consider using. It is not exhaustive; nor does it represent a list of activities that will be used in every instance. All engagement activities will be published on the Council's website:

Method	Main Consideration
Internet	<p>Council website - <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a></p> <p>Information on the timescales and progress of the LDF</p> <p>Online consultation portal - interactive version of the document where representations can be made and viewed by others. This is the preferred method of response to consultation.</p> <p>Viewing and downloading of LDF documents.</p> <p>Notification of publication through social media sites - corporate Facebook and Twitter.</p> <p>Information on the examination - location/times/sessions/evidence/questions from Inspector.</p>
Issuing news releases and arranging briefings for the local media at key stages in the process	<p>Although local authorities are no longer required to publish notices in the local press, to ensure the consultation reaches the wider community, the Council will continue to place notices in the press for consultations on LDF documents. Notices will include</p>

Method	Main Consideration
	information on when and where documents can be viewed, closing date for representations and where they need to be submitted.
Posters, leaflets and displays in public locations	Can be used to summarise detailed information and capture a wider audience.
Council Meetings	Where appropriate we will seek feedback from Councillors by taking the documents to relevant committee meetings.
Letters/E-mails	<p>A database containing the contact details of consultees (community, statutory consultees and other stakeholders) was created at the start of the LDF process and has gradually and continually been updated as consultation has taken place. The database is linked to our online consultation portal. The database is open for any group/individual to register and receive notifications of future consultation events.</p> <p>The majority of people on our database have chosen to receive consultation by email. Email is a quick and accurate way of communicating with the public and key stakeholders.</p> <p>An email address provides direct access to the planning policy team. <a href="mailto:planning.policy@braintree.gov.uk">planning.policy@braintree.gov.uk</a></p> <p>As email is the preferred means of consulting we will not send notifications by post where a valid email address is held.</p> <p>For those consultees without an email address a letter will be sent. Letters received will be scanned and entered into the online consultation portal.</p>
Council's Contact newsletter	Contact is the Council's newsletter which is distributed electronically and as a hard copy to every household in the District once a year. It can be used to raise awareness of the process and progress of LDF. As the newsletter is only published annually it will not be possible to publicise every stage in the LDF using this method.
Exhibitions / Roadshows (Either unstaffed exhibitions in public places- eg libraries, or the Council Office Foyer, or staffed exhibitions at public halls and other venues.)	Participatory methods can be used to record comments. Venues need to be accessible and at key locations.

<b>Method</b>	<b>Main Consideration</b>
The Council have a duty to safeguard vulnerable adults and ensure they have regard to welfare of children. These factors will be considered during exhibitions and roadshows.	
<p>Public meetings</p> <p>The Council have a duty to safeguard vulnerable adults and ensure they have regard to welfare of children. These factors will be considered during public meetings.</p>	<p>Provides an opportunity for face to face discussion.</p> <p>It will remain the responsibility of the individual, group or organisation to submit written comments after the meeting.</p>
Questionnaires	Can be sent to large numbers of people. Useful in gauging opinion on specific issues.
Site notices	Can be used to raise awareness of the process and capture individuals who are not on the consultation database. This method is useful when development allocations are proposed.
Workshops	Interactive sessions to focus discussion around difficult issues and key themes. This method could capture an audience who may respond to this kind of contact.
Inspection points	Documents will be put on deposit in Council offices and will be available for Inspection in the public libraries.

Who is Involved ?

## 6 Who is Involved ?

**6.1** There are various types of bodies, groups and organisations that the Council, where appropriate, will involve and consult during the preparation and development of the Local Development Framework. In many cases the list below refers to types of group rather than naming every individual group and organisation. This is because a list of names would change too quickly and it is important that this document does not contain out of date information. These lists are not exhaustive and also relate to successor bodies where re-organisations occur.

**6.2** The Town and Country Planning Regulations 2012 (Regulation 18) require the Council to consult:

- a. such of the specific bodies as we consider may have an interest in the subject of the proposed document;
- b. such of the general consultation bodies as we consider appropriate and
- c. such residents or other persons carrying on business in the area from which we consider it appropriate to invite representations

**6.3** The Council aims to be as inclusive as possible and anyone can request to be involved at any stage. Whenever possible the Council will consult with existing groups and use meetings already programmed.

### **Specific Consultation Groups**

As specified in Town and Country Planning (2012) Regulations.

- (i) Essex County Council
- (ii) Parish and Town Councils, including those within the District and those Councils that adjoin the District.
- (iii) Adjoining District Councils i.e. Babergh DC, Colchester BC, Maldon DC, Chelmsford CC, Uttlesford DC, South Cambridgeshire DC and St. Edmundsbury BC
- (iv) Adjoining County Councils i.e. Suffolk CC and Cambridgeshire CC
- (v) The Coal Authority
- (vi) The Environment Agency
- (vii) The Historic Buildings and Monuments Commission for England (known as English Heritage)
- (viii) The Marine Management Organisation

(ix) Natural England

(x) Network Rail Infrastructure Limited (company number 2904587)

(xi) The Highways Agency

(xiii) The Strategic Rail Authority

(xiv) Any person to whom the electronic communications code applies by virtue of a direction given under section 106 (3)(a) of the Communications Act 2003, and who owns or controls electronic communications apparatus situated in any part of the local planning authority's area

Any of the following that exercises functions within the District

(xv) A Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section

(xvi) Person to whom a licence has been granted under section 6 (1) (b) or (c) of the Electricity Act 1989

(xvii) Person to whom a licence has been granted under section 7(2) of the Gas Act 1986

(xviii) Sewage Undertakers

(xix) Water Undertakers

(xx) The Homes and Communities Agency

### **General Consultation Groups**

When preparing Development Plan Documents, Supplementary Planning Documents and the SCI the Council will seek to engage and consult, where appropriate, with the general public, the wider community, neighbourhood forums and hard to reach groups. These may include:

### **Community and Voluntary Bodies**

Voluntary and community bodies whose activities benefit Braintree District, including:

Local Strategic Partnership

Residents and Tenants Groups

Registered Social Landlords

Wildlife Groups

Environmental Organisations

Historical/Archaeological Organisations

Sports Organisations

Arts Organisations

Braintree District Voluntary Support Agency

Citizens Advice Bureau

Town and Village Societies and associations

Local Amenity Societies

### **Special Interest Groups**

Bodies which represent the interests of different racial, ethnic, religious and national groups and disabled groups in the District including:

Disability groups

Older peoples groups

Youth groups

Mental health groups

Local Trusts

Ethnic minorities organisations

Faith groups and churches

Woman's groups

Gay, Lesbian and transgender groups

Gypsies and travellers

Showmans Guild

### **Business Groups**

Bodies which represent the interests of the Business Community in the area including:

Chambers of Trade and Commerce

Town Centre Strategy Groups

Business Groups

Landowner and Farming Organisations

Haven Gateway

Local Enterprise Partnership (LEP)

### **Other Bodies**

Other bodies, including:

Schools, colleges and other education and training providers

Developers and planning consultants/agents

Health organisations

Environmental groups

Rail and bus companies

Community transport providers

House builders

Housing Associations

Sport and Cultural Organisations

Essex Police

Essex Fire and Rescue

East of England Ambulance Service

Local branches of professional institutions

Anyone that has previously made a representation on the Local Development Framework who has asked to be placed on the Council's consultation database.

### **Voluntary Sector Involvement**

**6.4** The Council is a signatory to the Braintree District Local Compact with the voluntary sector, which includes a code of practice on community engagement. The principles set out in that code of practice have been incorporated into this Statement of Community Involvement. The Council will consult with the voluntary and community sector on all major planning consultations and any proposals that may have a significant effect on their services. The compact recommends a consultation period of 12 weeks, but for local plan documents, comments can only be received during a 6 week statutory consultation period. The Council will endeavour to make documents available to view, prior to the statutory consultation period, but this may not always be possible.

### **Consultation with Hard to Reach Groups**



**6.5** The Council will make efforts to include the views of people with sensory, physical and learning disabilities for whom written or typed representation may not be appropriate.

**6.6** We recognise that some parts of the community often have less chance to be involved than others and are therefore under-represented in the planning process. Examples of these hard to reach groups include young people, older people, people with disabilities and ethnic minorities. We will therefore take positive action to ensure that they have every opportunity to be involved and encourage their participation by following the basic principles in consulting with hard to reach groups:

- Ensuring, as far as possible, that documents are produced in a clear, concise and understandable manner;
- Hold meetings and exhibitions in locations which will include accessibility for people with disabilities, access to public transport and locations within the more rural parts of the District.

**6.7** Where people are invited to attend a consultation event in a specified place we will:

- Make sure the venue is accessible;
- Offer written information in alternative formats and give a wide range of contact methods;
- Offer assistance in completing written consultation documents;
- Be sensitive to the cultural needs of the people we are talking to.

### **The Duty to Co-operate**

**6.8** The Localism Act 2011 and NPPF places a duty on Local Planning Authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. Whilst the Council has always consulted with neighbouring Parish, District and County Councils, this has added a formal duty on local planning authorities, County Councils and other bodies to engage constructively, actively and on an ongoing basis in the preparation of their Local Development Frameworks and on other major strategic matters such as infrastructure. The Council's compliance with the duty to co-operate will now be part of the Planning Inspector reasoning on whether the document is sound.

### **Using the Results of Consultation and Feeding Back**

**6.9** All representations on Development Plan Documents are available to view on line and available for comments to be made through the Council's consultation portal. Comments which have been submitted by letter or email will be added to that consultation portal to enable the public to view all of the comments that have been made.

**6.10** After the consultation period, representations are then carefully reviewed by officers, and a report will summarise the representations received. These comments form an essential part of the evidence base and are used to inform future stages of plan preparation.

**6.11** Once the consultation period has finished a report will be considered by the District's Local Development Framework Sub Committee. This report will summarise the representations received, provide an officer comment on the subjects raised by representations, and a recommendation on whether or not the document should be changed as a result of the responses and the reasons for the recommendation. The reports and minutes of the meetings will be published and made available at the Council offices and on our website.

**6.12** We will acknowledge by e-mail or letter all representations received and provide information about the next steps in the process. We will inform respondents when the Local Development Framework Sub Committee will consider their representations. All those on our consultation database will be notified by letter or e-mail when documents are submitted to the Secretary of State for consideration, when the Inspector's report is published and when a document is adopted.

**6.13** All submission documents will be accompanied by a Statement of Compliance which sets out how the Statement of Community Involvement has been followed in the preparation of the document, the main issues raised and how these have been addressed. A Statement of Compliance with 'Duty to Cooperate' will be prepared by Braintree District Council, as Local Planning Authority to demonstrate that it has complied with the 'duty to co-operate' in the preparation of the DPD.



## Planning Applications

## 7 Planning Applications

**7.1** For many people their main contact with the planning system is through planning applications, either as an applicant, or as someone who might be affected by the proposed development. This section of the Statement of Community Involvement therefore sets out the Council's proposed approach for involving statutory bodies and the community in pre-applications consultations and planning applications. In most cases, there is a charge for pre-application consultations.

**7.2** It is therefore particularly important that when applications for significant or sensitive development are made all issues relating to that development are addressed at the time the application is made. It will only be possible to identify many of these issues through previous consultation and involvement of the local community. The planning application process should not be used as a substitute for proper pre-application community involvement. Whilst the Council cannot refuse an application if such involvement has not been carried out, there may be issues that arise during the consideration of the application that could have been addressed and will warrant refusal. The aim of the process is to encourage discussion before formal applications are made. This will enable adjustments to the proposals to be made, in line with the aspirations of the local community where practicable and to avoid unnecessary objections at a later stage. Further guidance, on the types of application where pre-application consultation will be expected, is set out as follows.

### Pre-Application Stage

**7.3** As indicated previously the Council will encourage pre-application discussions for certain types of development. The objective of these discussions is to establish whether the principle of the development is acceptable and to clarify the format, type and level of detail required to enable the Council to determine the application.

**7.4** As a result of the Localism Act 2011, developers are now required to submit a formal record of their public involvement programme, as part of their planning statement for major applications.

**7.5** Developers are strongly encouraged to discuss their proposals with planning officers at an early stage, so that appropriate arrangements for pre-application consultation can be agreed. The Council will expect the costs of this consultation to be met by the developer. Types of application and suggested methods of involvement are set out as follows, although there will be a need for flexibility in the approach to deal with different circumstances. For example a small development may have a much bigger impact in a rural area, than in an urban area and may therefore require more consultation. Although the Council will advise on the consultation process, at this stage it will not be directly involved in the consultation itself. This is to enable the Council to maintain an impartial position. The Council will offer constructive feedback on the proposal whenever possible, although any views expressed by officers at pre-application stage cannot be binding on a subsequent decision. Developers will be expected to submit a statement with their planning application that outlines the community involvement that has already been carried out and the outcome.

**7.6** This should set out the methods used, the views expressed and how these have been addressed in the application. Early pre-application discussions with planning officers, followed by consultation with the community is ideal. However, it is recognised that in some circumstances, due to matters

of confidentiality associated with some development proposals, it may be necessary to delay pre-application consultation, until such time as the applicant is able to confirm that a submission is likely to take place.

**7.7** Pre-application discussions with officers will offer the opportunity to:-

- Appropriately agree matters associated with the disclosure of information provided by the prospective applicants;
- Advise on engagement methods and techniques.
- Receive the officer's written response to pre-application proposals.
- Discuss the outcome of initial community engagement, if this was held.

**7.8** These discussions will take place in the context of the requirement contained within the Freedom of Information Act and the Environment Information Regulations 2004. The precise timing of the pre-application consultation will be agreed with the planning authority, and will need to strike a balance between involving the community at an early stage to be relevant while respecting issues of commercial confidentiality that may arise.

**7.9** When undertaking community engagement, applicants will be expected to follow good practice as outlined in the [Braintree District Local Compact code of practice](http://www.bdvsa.org.uk) (September 2011) available to view at [www.bdvsa.org.uk](http://www.bdvsa.org.uk). If a community led planning initiative is already in progress in the area, applicants are advised to liaise with the lead organisation (parish council / community group / ward member) and work together wherever possible.

**7.10** The pre-application advice service is intended to ensure that, as far as practicable, development accords with the relevant policies and guidance of the Council. It is a means of addressing potential issues prior to the submission of any formal application. For this reason and as a means of meeting government targets on decision-making, the Council will not normally seek amendments to applications during the course of their consideration. If, however, amendments are sought, the Council will write to neighbours, the Parish Council and any other relevant consultees seeking views on the amendments.

Application Type	Suggested Action by Applicant
Major applications (i.e housing sites of 1 hectare, or 30 dwellings or more, retail and leisure uses of 1000sq.m or more, business uses, higher and further education uses of 2500sq.m or more), or applications which are contrary to or out of line with the Development Plan.	<p>Applicant/Developer should discuss with local planning authority appropriate methods of community involvement which could include:</p> <ul style="list-style-type: none"> <li>• Exhibitions - citizen panels</li> <li>• Workshops - consultation panel</li> <li>• Development Briefs - Town/Parish Councils</li> <li>• Surgeries - Media</li> <li>• Public Meetings - Website</li> <li>• Planning for real type exercises - individual letter</li> </ul>

Application Type	Suggested Action by Applicant
	<ul style="list-style-type: none"> <li>• Surveys/questionnaires</li> <li>• Pre-existing panels/forums and design teams.</li> </ul>
Applications broadly in accordance with the Development Plan but raising controversial issues of detail. Reserved matter applications raising issues not addressed at the outline stage.	<ul style="list-style-type: none"> <li>• Exhibitions - website</li> <li>• Surgery - Media</li> <li>• Town/Parish Councils - individual letter</li> </ul>
Other applications for sites where wider community involvement may be beneficial including those on sites that are sensitive to development pressures for example within a conservation area or affecting a listed building or its setting.	<ul style="list-style-type: none"> <li>• Town/Parish Councils</li> <li>• Website</li> <li>• Media</li> <li>• Individual letter</li> <li>• Surveys/questionnaires</li> </ul>
Minor and householder applications	<ul style="list-style-type: none"> <li>• Neighbour Consultation</li> </ul>

## Application Stage

**7.11** The statutory requirements for publicity for applications for planning permission are laid down in Article 8 of the Town and Country Planning (General Development Procedure) Order. This requires the local planning authority to publicise planning applications either by site notice or by notification to neighbours and sometimes by press advertisement. Other regulations set out the requirements for applications for listed building and conservation area consent and for applications for planning permission affecting the setting of a listed building, or demolition within a conservation area. In deciding what constitutes a significant or controversial application, the

**7.12** Council does not favour setting thresholds, as such applications vary quite significantly in their nature and extent. For this reason, a more appropriate way to determine such applications is to give examples. Examples might include major applications that have more than local significance, those that have an Environmental Impact Assessment, applications that are likely to generate considerable local objection or support and applications that represent a departure from the Development Plan. The following Table sets out the Council's current practice, which is to carry out more publicity than the minimum required by the regulations. In respect of significant pre-application publicity, the Council will expect the developer and/or landowner to take the lead at that stage. Bodies such as English Nature will be allowed a longer period of time to comment on applications, where this is prescribed by legislation.

<b>Types of Publicity</b>	<b>Pre - Applicaiton Stage</b>	<b>Major and Departure Applications</b>	<b>Significant or Controversial applications</b>	<b>All other applications</b>	<b>Appeals</b>
Advertise on website		Weekly list posted on Website	Weekly list posted on website	Weekly list posted on website	
Post Site Notice		Always	Always	Always	If a local hearing or inquiry is held
Send consultation letter to neighbors		Always (unless there are no immediate neighbours)	Always (unless there are no immediate neighbours)	Always (unless there are no immediate neighbours)	
Advert in local newspaper		Always	In some circumstances	Where it affects a listed building, conservation area or right of way	
Application available for inspection at Council Offices		Always	Always	Always	Always
Appropriate Town or Parish Councils provided with a copy of the application		Always	Always	Always	Always
Public exhibition of proposals	In some circumstances	In some circumstances	In some circumstances		
Press releases	In some circumstances	In some circumstances	In some circumstances		
Local Public Meeting	In some circumstances	In some circumstances	In some circumstances		



Types of Publicity	Pre - Applicaition Stage	Major and Departure Applications	Significant or Controversial applications	All other applications	Appeals
Application considered in public session by committee		Usually	Usually	In some circumstances (e.g. Where a contrary representation has been received).	

## Decision Stage

**7.13** Generally, where applications are in accordance with planning policy and no objections have been made, the decision will be made at officer level. The receipt of one or more objections will result in an application being determined by Committee, if it is being recommended for approval. An application will also be referred to Committee if it is being recommended for refusal and representations have been received in support. These arrangements are kept under review and may change from time to time.

**7.14** There will be an officer report which describes the site and application, sets out the policy considerations, summarises the representations received, comments on them and makes a recommendation for approval or refusal. All respondents are notified of the Committee at least 5 working days before the Committee. The Committee Agenda and Reports are available 5 days before the meeting at the Council offices and also on the Council website. Time is set aside at the start of Area Committee meetings for public statements and questions. A representative of the relevant Town/Parish Council is permitted to sit at the Committee table when an application in their area is being discussed. The Parish Council representative may be invited to speak but cannot vote on the application.

**7.15** All respondents are notified by letter once a decision has been made. A weekly list of decisions is also posted on the Council's website. A full copy of the decision notice is retained on the statutory planning register which is available for inspection at the Council's main office at Causeway House.

**7.16** From 1<sup>st</sup> December 2012, LPAs are required to include a statement on every decision letter stating how the LPA worked with the applicant, in a positive and proactive way, in line with the National Planning Policy Framework (NPPF). The Chief Planning Officer's letter states that "in the majority of cases it will be sufficient for the authority to include a simple statement, confirming that they have implemented the requirements in the NPPF."

**7.17** In order to comply with this statutory requirement, all the planning decisions issued by Braintree District Council from 1<sup>st</sup> December 2012 will include such a statement, tailored to reflect the circumstances of the particular case.

## Implementation Stage

**7.18** For major developments, the Council is keen for there to be continuing community involvement during the implementation of the development. This ensures a continuing dialogue with the Council and the developers and enables matters of detail to be considered further and problems during implementation to be discussed. This is normally achieved by the establishment of a Consultative Forum, or Committee, comprised of representatives of the developer, the Council, Town/Parish Councils, the local highway authority, local residents' associations and other interested groups and local business interests. At present, there are two active forums in the District, one for the Maltings Lane development in Witham and one for the Freeport development in Braintree.



## Monitoring and Review

## 8 Monitoring and Review

**8.1** The various consultation and involvement methods will be kept under review.

**8.2** Further changes to national legislation or corporate policy may also necessitate a further review of this document.

**8.3** The Council will monitor the effectiveness of the methods and techniques set out in this Statement of Community Involvement so that they can be refined and improved. This will be measured by:

- how effectively the community and local groups have been able to access
- the Local Plan documents and supporting information
- the level of involvement of equality groups
- the level of satisfaction expressed by respondents to the publication and
- consultation process

**8.4** The level of satisfaction will be measured in part through response to the consultation exercises, customer satisfaction surveys, and complaints received with regards to consultation.

**8.5** The database of people and organisations to be consulted will also be kept up to date.

## Glossary

## 9 Glossary

### **AMR Annual Monitoring Report (Authorities' Monitoring Report)**

Part of the Local Development Framework. This will assess the implementation of the Local Development Scheme and the extent to which policies in Local Development Documents are being successfully implemented.

### **DPD Development Plan Document**

Spatial planning documents that are subject to independent examination,

### **LDF Local Development Framework**

The name for the portfolio of Local Development Documents also known as the Local Plan. It consists of Development Plan Documents, Supplementary Planning Documents, a Statement of Community Involvement, the Local Development Scheme and Annual Monitoring Reports.

### **LDS Local Development Scheme**

This sets out the programme for preparing Local Development Documents.

### **SCI Statement of Community Involvement**

Sets out the standards which authorities will achieve with regard to involving local communities in the preparation of Local Development Documents and planning decisions. The SCI is not a development plan document

### **SPD Supplementary Planning Document**

Provides supplementary information in respect of policies in Development Plan Documents. They do not form part of the Development Plan and are not subject to independent examination. They must link to a DPD policy or proposal and be subject to sustainability appraisal and community involvement.

### **Major Planning Applications**

Residential development of 10 or more dwellings or a site area of 0.5 hectares or more if number of dwellings is not specified. For all other uses where floorspace will be 1000 square metres or more or the site area is 1 hectare or more. (The site area is that which is directly involved in some aspect of the development. Floorspace is defined as the sum of the floor area within the building). Where a major application is subject to a change of use application it should be considered as a major application, not as a change of use.

### **Minor Planning Applications**

Development which does not meet the criteria for major development nor the definitions of change of use or householder developments.

### **Other planning applications include:**

#### **Change of Use**

Applications that do not concern major development or where no building or engineering work is involved.

#### **Householder Development**

Development within the curtilage of residential property which requires an application for planning permission and not a change of use.

**Listed Building Consent**

Any works or alterations which are likely to affect the character of a Listed Building.



