

# Public Document Pack



## Supplement 1

Dear Councillor

### **PLANNING AND LICENSING COMMITTEE - TUESDAY, 11TH DECEMBER, 2018**

I am now able to enclose, for consideration at next Tuesday, 11th December, 2018 meeting of the Planning and Licensing Committee, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>
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|----|---|
| 5. | <b><u>Statement of Community Involvement Update (Pages 3 - 34)</u></b>  |
| 6. | <b><u>Response to Basildon Borough Council Revised Publication Local Plan and Community Infrastructure Levy (Preliminary Draft Charging Schedule) November 2018 (Pages 35 - 50)</u></b> |

Yours sincerely



Chief Executive

Encs

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**11 December 2018**

## **Planning and Licensing Committee**

### **Statement of Community Involvement Update**

**Report of:** *Phil Drane, Director of Strategic Planning*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 Local planning authorities are legally required to prepare a Statement of Community Involvement (SCI). The SCI is an important part of the Council's Local Development Plan and sets out how the Council will engage with the local communities through the planning process.
- 1.2 The Council's current SCI was adopted in 2012. Since then there have been several changes to the planning system and it is now necessary to update the SCI accordingly. The revised Brentwood Borough SCI is enclosed in Appendix A.
- 1.3 As part of joint working within the Association of South Essex Local Authorities (ASELA) and early work to prepare a Joint Strategic Plan (JSP) for South Essex, a brief SCI addendum has been prepared. It is recommended that this SCI be approved as Part Two addendum to the Brentwood Borough SCI, as is being proposed for other ASELA partners. The Part 2 SCI is enclosed in Appendix B.
- 1.4 National Planning Practice Guidance does not require public consultation to take place when publishing an SCI. However, in order to test the effectiveness of joint consultation across local authority boundaries in preparation for the South Essex JSP, the Part 2 SCI (Appendix B) may be subject to a period of public consultation.

## **2. Recommendations**

**2.1 Approve the revised Brentwood Borough Statement of Community Involvement enclosed in Appendix A; and**

**2.2 Approve the Part Two SCI South Essex Joint Strategic Plan set out in Appendix B.**

## **3. Introduction and Background**

3.1 Each local planning authority must prepare a Statement of Community Involvement (SCI) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended), Part 2, Section 18. The SCI is an important part of the Council's Local Development Plan and sets out how the Council will engage with local communities through the planning process in terms of both plan-making and decision-taking.

3.2 The current Brentwood Borough SCI was adopted in 2012. Since then there have been changes to the planning regulations and national policies as listed below:

- a) Revised National Planning Policy Framework (2018);
- b) Town & Country Planning (Local Planning) (England) Amendment Regulations 2017; and
- c) Neighbourhood Planning Act 2017.

3.3 Therefore, in order to ensure that the Brentwood Borough SCI continues to ensure active, meaningful, and continued involvement with local communities and stakeholders through the planning process, it is considered necessary to now update the document.

3.4 The SCI outlines the Council's standards for community involvement in the planning process and identifies how the Council will achieve these standards. The SCI clearly sets out how, when, and who will be consulted on:

- a) Plan-Making (Planning Policy) documents, such as:
  - i. Brentwood Local Plan (LDP);
  - ii. South Essex Joint Strategic Plan (JSP);
  - iii. Community Infrastructure Levy (CIL); and
  - iv. Supplementary Planning Documents (SPDs)

- b) Decision-Taking (Planning Development Management), such as:
  - i. Planning applications; and
  - ii. Planning appeals

#### **4. Issue, Options and Analysis of Options**

##### **Revised National Planning Policy Framework and Planning Regulations**

- 4.1 A revised National Planning Policy Framework (NPPF) was formally implemented in July 2018. One of the changes made requires local planning authorities to prepare a Statement of Common Ground(s) with neighbouring authorities and other bodies to document and evidence compliance with the Duty to Cooperate.
- 4.2 The Neighbourhood Planning Act 2017 amended Section 18 of the Planning and Compulsory Purchase Act 2004 requiring local planning authorities to set out within their SCI policies for discharging the duty to give advice or assistance to qualified bodies to facilitate proposals for making and modifying Neighbourhood Development Plans and Neighbourhood Development Orders. Local planning authorities are also required to notify neighbourhood planning bodies of planning applications in their area.
- 4.3 To reflect changes, and to consider the need for an up-to-date position on consultation to be published in time for the Council Pre-Submission Local Plan (Regulation 19) public consultation, revisions to the Brentwood Borough SCI have been made. The revised Brentwood Borough SCI is enclosed in Appendix A.
- 4.4 Government published Planning Practice Guidance states that public consultation is not required when preparing or publishing an SCI.
- 4.5 The document is provided in basic text format and will be reformatted in a more presentable form following approval. Local planning authorities are required to publish the SCI on their website.

##### **South Essex Joint Strategic Plan**

- 4.6 In Summer 2017, the Leaders and Chief Executives of South Essex authorities (Basildon, Brentwood, Castle Point, Rochford, Southend, Thurrock and Essex County Council) embarked on a process to develop a long-term growth ambition that would underpin strategic spatial, infrastructure and economic priorities across the sub-region. The 'South

Essex 2050 Ambition' is now being taken forward through several workstreams, including a spatial strategy delivered through a Joint Strategic Plan (JSP). In order to achieve this the authorities formed the Association of South Essex Local Authorities (ASELA).

- 4.7 As part of early work to prepare the South Essex JSP, the partner local planning authorities have prepared a Joint SCI. This is intended to form an addendum to each of the authority SCIs. For this reason, it is brief in content, supplementing the detail of individual authority SCIs. This Part Two SCI is enclosed in Appendix B.
- 4.8 Whilst Government published Planning Practice Guidance does not require public consultation to take place when preparing or publishing an SCI, consideration has been given by ASELA about the need for future JSP consultation. In order to test the effectiveness of joint consultation across local authority boundaries, the Part 2 SCI may be subject to a period of public consultation.
- 4.9 If approved, the revised Brentwood Borough SCI and Part Two SCI will be published on the Councils website.

## **5. Reasons for Recommendation**

- 5.1 Changes to the national planning system make it necessary to revise the Brentwood Borough SCI. The SCI is an important part of the Council's Local Development Plan, setting out how the Council will engage with local communities through the planning process. Local planning authorities must prepare an SCI in accordance with Regulations.
- 5.2 Given the Council's partnership in ASELA and early work to prepare a Joint Strategic Plan for South Essex, it is necessary to consider how consultation will take place across local authority boundaries.

## **6. Consultation**

- 6.1 National Planning Practice Guidance does not require public consultation to take place when publishing an SCI. It is not proposed that the revised Brentwood Borough SCI (Appendix A) be subject public consultation, its content will inform how future Local Plan consultation takes place and will be kept under review based on continued learning about how best to consult.

- 6.2 However, in order to test the effectiveness of joint consultation across local authority boundaries in preparation for the South Essex JSP, the Part 2 SCI (Appendix B) may be subject to a period of public consultation.

## **7. References to Corporate Plan**

- 7.1 The SCI is a statutory part of the Brentwood Local Development Plan process, production which is a key priority in the Council's Vision for Brentwood 2016-2019.

## **8. Implications**

### **Financial Implications**

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- 8.1 None directly arising from the report.

### **Legal Implications**

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- 8.2 The Planning and Compulsory Purchase Act 2004 and the Town & Country Planning (Local Planning) (England) Amendment Regulations 2017 provide the legal basis for the current plan-making system. These are supported by the revised National Planning Policy Framework (2018) and Planning Practice Guidance.

### **Other Implications**

- 8.3 The effective involvement of various community groups in the planning process, including hard to reach groups, will require joint working with Council teams and partners to maximise contacts and methods.

## **9. Background Papers** (include their location and identify whether any are exempt or protected by copyright)

- 9.1 None

## **10. Appendices to this report**

- Appendix A: Brentwood Borough Statement of Community Involvement, December 2018 (draft version for committee)
- Appendix B: Part II Statement of Community Involvement, South Essex Joint Strategic Plan (draft)

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**Brentwood Borough Statement of Community Involvement (SCI)  
December 2018 (Draft)**

[This document will be reformatted for publication on the Council's website]

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# 1. Introduction

## What is a Statement of Community Involvement?

1. An effective Town and Country Planning system seeks to ensure that the community and stakeholders are involved in planning and development matters. Planning affects everyone in some form, for instance the homes we live in; places we work; local services we use; open space we enjoy; leisure facilities we utilise; and roads & rail we use to travel. Therefore, it is important that people understand the planning process and are given the opportunity to get involved to contribute ideas and influence land use decisions.

2. Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to produce a Statement of Community Involvement (SCI), which explains how they will engage local communities and other interested parties in producing their Local Plans (plan-making) and determining planning applications (decision-taking). This should be published on the local planning authority website.

3. The Council adopted its first SCI in 2007. A review was completed and approved in 2012. This 2018 SCI has been updated to reflect improvements in the way that we communicate with the public and changes made to the revised regulations. It seeks to ensure active, meaningful, and continued involvement of local communities throughout the Planning process, both when plan-making and decision-taking.

## What are the plan-making and decision-taking processes?

Plan-making	Decision-taking
<p>This predominately involves the process of developing a new Local Plan for the Borough, along with associated documents and guidance.</p> <p>This also involves ensuring policies are supported by up-to-date technical evidence and work to ensure the delivery of required infrastructure and services.</p> <p>The Planning Policy Team is responsible for Plan preparation along with policy and development monitoring, and neighbourhood planning support.</p>	<p>In general, this is the process of determining planning applications in line with the Council's Local Plan policies.</p> <p>The Development Management Team determine planning applications at various stages, including pre-application, validation, decision, committee and appeal (if applicable).</p> <p>The team also offer an enforcement service to investigate alleged breaches of planning control.</p>

### **Where can I find out more about Planning?**

4. Further information can be found on the Planning pages of the Council's website, please visit [www.brentwood.gov.uk/planning](http://www.brentwood.gov.uk/planning).

5. There are other sources of information on both the plan-making and decision-taking processes. Examples of some helpful information sources are set out in Appendix 2.

### **Will communication methods be reviewed?**

6. The SCI will be kept under review and revised when necessary. Review may be appropriate if significant changes have occurred in the types of groups we engage with, if different engagement methods are to be used, or if there are relevant changes to national legislation.

7. Communication methods and protocol will be reviewed at relevant stages, for example after each stage of Local Plan consultation. Effective communication will be gauged through consultation response rates. Feedback about external communication will be formally requested from stakeholders, such as Parish Councils, and any comments received regarding the quality of consultation will be taken into consideration.

## 2. The Local Plan

8. Local planning authorities are responsible for preparing a Local Plan for the future of their area. The Local Plan identifies the spatial strategy for how the area will develop and be maintained. It sets out development locations to meet local needs, provides an overarching vision and objectives, and establishes policies and proposals. The National Planning Policy Framework (NPPF) refers to the collection of documents that make up the statutory plan for a local planning authority as the 'Local Plan'.

9. Several documents support the preparation and implementation of the Local Plan. The SCI has been prepared in light of these documents, which are set out on the Council's website at [www.brentwood.gov.uk/localplan](http://www.brentwood.gov.uk/localplan), and include:

- a) **Local Development Scheme (LDS):** The project plan and timetable for preparing the Local Plan and related documents.
- b) **Statement of Community Involvement (SCI) (this document):**  
The Council's arrangements for involvement of the public and other stakeholders in the preparation of the Local Plan and related documents, and in consultation on planning applications for development proposals.
- c) **Monitoring:** Progress of the Local Plan is monitored to record and assess the effectiveness of key policies, targets and milestones. Authority Monitoring Reports are published regularly to monitor Local Plan policy, such as the delivery of new homes and jobs, including the five year housing supply.
- d) **Community Infrastructure Levy (CIL):** A charge that will allow the Council to raise funds from new developments in the Borough. The money collected from the levy will be used to support development by funding infrastructure that the Council, local community and neighbourhoods want. Charges will be based on the size, type and location of new development and be set out in a charging schedule.
- e) **Policies Map:** A visual representation of Local Plan policies on a map. Once adopted this will replace the current Local Plan Proposals Map.
- f) **Neighbourhood Plans:** Enable communities to set local policy for their area based on what is important locally, in line with the Local Plan, either through existing Parish Councils or the establishment of Neighbourhood Forums. The Neighbourhood Planning (Amended) Regulations 2017 provide further detail on the process of Neighbourhood Planning.
- g) **Sustainability Appraisal:** There are statutory requirements for local authorities to carry out in support of the Local Plan, such as the need

to prepare a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). These ensure that documents fully take into consideration environmental, social and economic factors.

- h) **Other supporting documents:** There are a number of options to adopt documents that provide further detail to the Local Plan, as set out in national policy and guidance. Examples include Supplementary Planning Documents (SPDs) and Essex County Council plans.

10. Consultation will be conducted on the Local Plan and related documents as required by national policy and guidance. Ways that the public can get involved in the plan-making process are set out in Chapter X.

11. The Brentwood Replacement Local Plan (2005) is the current statutory document and a material consideration in determining planning applications in Brentwood Borough. However, the emerging Brentwood Local Plan 2016-2033 will, once adopted, supersede this.

### **Duty to Cooperate**

12. The Council has a Duty to Cooperate with other planning authorities and public bodies to actively engage and work jointly on strategic matters. There are a number of issues such as transport, flood risk and waste management that have impacts that cross-borough boundaries. The Council will explore constructive approaches to such issues jointly with neighbouring authorities and public bodies to ensure that strategic priorities are reflected and, where appropriate, addressed in the Local Plan.

13. In accordance with the National Planning Policy Framework the Council will prepare a Statement of Common Ground(s) with neighbouring authorities on strategic cross-boundary planning matters.

14. The Local Development Plan is intended as a spatial plan and the mechanism by which all strategies and plans which affect development and the environment in Brentwood are delivered. As such it is important that the Local Development Plan is produced considering all the relevant strategies and plans that affect the Borough.

### **South Essex Joint Strategic Plan**

15. In Summer 2017, the Leaders and Chief Executives of South Essex authorities (Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex County Council) embarked on a process to develop a long-term growth ambition that would underpin strategic spatial, infrastructure and economic priorities across the sub-region. The 'South Essex 2050 Ambition' is now being taken forward through a number of workstreams, including a spatial strategy delivered through a Joint Strategic Plan (JSP).

16. A separate SCI for the Joint Strategic Plan has been prepared by ASELA and is published as Part II of the Brentwood SCI. Each of local planning authority has their

own SCI, and thus may consult in slightly different ways. Flexibility will be needed when consulting jointly. However, the standards as required by planning regulations will be met as a minimum.

### 3. Who Will We Consult With?

#### Specific and general consultation bodies

17. The Council is required by legislation to consult “specific consultation bodies” and other interest groups. This covers a wide range of voluntary, community, special interest, amenity and business interests, referred to as “general consultation bodies”.

18. The Town and Country Planning (Local Planning) (England) Regulations 2017 defines the following as “specific consultation bodies”:

- a) The Coal Authority;
- b) The Environment Agency;
- c) The Historic Buildings and Monuments Commission for England (known as English Heritage);
- d) Marine Management Organisation;
- e) Natural England;
- f) Network Rail Infrastructure Limited;
- g) Highways England;
- h) County Council [Essex County Council];
- i) Adjoining Local Planning Authorities [London Borough of Havering; Epping Forest District Council; Thurrock Council; Chelmsford City Council; and Basildon Borough Council];
- j) Parish Councils [Blackmore, Hook End & Wyatts Green Parish Council; Doddinghurst Parish Council; Herongate and Ingrave Parish Council; Ingatestone and Fryerning Parish Council; Kelvedon Hatch Parish Council; Mountnessing Parish Council; Navestock Parish Council; Stondon Massey Parish Council; and West Horndon Parish Council]
- k) Neighbouring Parish and Town Councils;
- l) Relevant telecommunications companies;
- m) Primary Care Trust [NHS South West Essex] [also known as CCGs];
- n) Relevant electricity and gas companies;
- o) Sewage and water undertakers; and
- p) Homes England.

19. The Regulations 2017 define the following as “general consultation bodies”:

- a) Voluntary bodies, some or all of whose activities benefit any part of the local planning authority area;



- b) Bodies who represent the interests of different racial, ethnic or national groups;
- c) Religious groups;
- d) Disabled persons; and
- e) Persons carrying on business in the local planning authority area.

20. In order to ensure engagement with a wide range of organisations and individuals, the Council has an extensive consultation database. The consultation database is continually updated as planning consultations take place. Any group or individual can register to receive future notifications about forthcoming Local Plan consultations. Information held in the consultation database and methods for communication are reviewed subject to data protection rules and regulations. Examples of the types of groups we consult are set out in Appendix 1.

### **‘Hard to Reach’ groups**

21. Whilst the Council wishes to engage with the community, there are some community members and groups that find it difficult to get involved with the planning system, referred to as ‘hard to reach’ groups. Some of these groups include:

- a) Young people, in particular those aged 21-25 years old;
- b) Ethnic minority groups;
- c) People with disabilities;
- d) The elderly;
- e) Rural communities;
- f) People with learning difficulties; and
- g) Gypsies and Travellers.

22. Consultation will be helped by ensuring, as far as possible, that documents are produced in a clear, concise and understandable manner. Documents can also be made available in different languages on request, where possible.

23. Wherever possible, and subject to the resources available, the Council will seek to hold meetings and exhibitions at times and locations to enable all who wish to, to be able to attend. This will include accessibility for people with disabilities, access to public transport and locations within the more rural parts of the Borough.

24. Parish Councils, resident associations, amenity societies and other local interest groups provide contact with many residents, particularly in rural communities. Other representative groups and organisations will also be directly consulted and invited to stakeholder meetings to enable engagement with hard to reach groups, such as ethnic minorities, the elderly, the young and disabled persons.

25. The voluntary and community sector has an important role to play in helping to engage with communities, particularly those that require support and help in becoming involved. The Council will continue to work with community groups to ensure effective and wide communication.

## 4. Types of Community Involvement

26. There are a range of possible methods and types of community involvement that the Council will use in the plan-making and decision-taking processes.

27. The Council will encourage electronic responses to our consultations. We will contact those on our consultation database to inform them about current consultations and how to respond. We recognise that not everyone has access to the internet. We will provide hard copies of documents for view in public locations such as the Council Offices and local libraries. In addition, we will work with Parish Councils to identify locations in more rural areas for people to view hard copy documents when needed.

28. The Council aims to meet the requirements of the Equality Act 2010. We aim to provide equality and fairness in all dealings with our communities to not discriminate on grounds of age; disability; gender; gender reassignment; pregnancy and maternity; race; religion or belief; sexual orientation; or marriage and civil partnership. Therefore, any consultation responses or representations received which are discriminatory will not be tolerated and these will not be considered as part of the consultation process.

29. In accordance with the Freedom of Information Act, the Data Protection Act and the Environmental Information Regulations, original written or electronic representations will be available online. All responses published will include only the respondent's name and reference number, with other personal information such as addresses, email addresses, phone numbers and signatures deleted/not viewable.

30. The Council will adhere to the minimum consultation requirements according to the national policy, guidance and regulations. When appropriate we will consult using additional methods. Table 1 provides two sections – section one identifies the consultation methods as required by the regulations, and section two identifies some additional consultation methods that could be used as deemed appropriate.

**Table 1: Methods of Community Involvement**

**Section one: ways the Council will consult**

Method of Consultation	Main Consideration
<b>Documents available for inspection at the Council Offices and local libraries</b>	This is a minimum requirement as set out in the Regulations 2017 (but there is no requirement for inspection copies to be in a hard copy format). However, the Council will provide hard copies of the main documents for inspection at the Council Offices and local libraries.
<b>Letters/emails to specific and general consultation bodies as stated in the Regulations</b>	This is a minimum requirement (again there is no requirement to provide these categories of consultees with hard copies of the documents). The relevant bodies will be notified at the appropriate time during the preparation of each Local Plan document.  Under Regulation 36, we must provide a copy of

Method of Consultation	Main Consideration
	any document as soon as reasonably practicable after it has been requested. The format in which the document should be provided is not specified. Regulation 36 (3) allows us to make a reasonable charge for a copy of any document provided. If hard copies are requested, these would be printed on demand, and upon receipt of the cost of printing, packaging and postage, which would be advised beforehand.
<b>Internet to be used for publishing documents and supporting information, newsletters and progress updates</b>	Planning applications and development plan documents are viewable and can be downloaded from Council's website ( <a href="http://www.brentwood.gov.uk">www.brentwood.gov.uk</a> ). The progress of Local Plan can be viewed online and anyone interested in being consulted on Local Plan documents can register for updates by sending their email address to <a href="mailto:planning.policy@brentwood.gov.uk">planning.policy@brentwood.gov.uk</a> . Consultation response forms will be available online which can be printed off and returned to the Council by post. Planning applicants can follow the progress of current planning applications online.
<b>Email</b>	Email is a fast and cost effective way of communicating with the public and key stakeholders. The Local Plan database contains details of all consultees and is regularly updated. Where possible the Council will use email for consultation in preference to letters. Therefore, the Council will therefore not send notifications by post where we have an up to date email address.

## Section two: additional methods to be considered

Method of Consultation	Main Consideration
<b>Printed Media (local press, leaflets, newsletters and consultation response forms)</b>	This is no longer a requirement for local authorities to publish notices in the local press. However, the Council will provide printed media notices where deemed most appropriate to do so in order to ensure that consultations reach the maximum number of people possible.  Consultation response forms will be used when appropriate and these will be provided with the documents for inspection at the Council Offices and in local libraries.
<b>Public exhibitions/displays/drop-ins</b>	Locally targeted exhibitions and displays allows for participation and direct exchange of views. This method of consulting can be resource intensive. The Council will consider the best use of resources

Method of Consultation	Main Consideration
	when determining if this method of consultation is appropriate. Where Public exhibitions, displays, and/or drop-ins are considered to be viable, they will be held in accessible locations, over a number of days whilst drop-ins will be held for short periods of time. They will be held at varying times to ensure all sections of the community have an opportunity to attend.
<b>Stakeholder Meetings/Workshops</b>	This brings together key stakeholders and is a useful way of identifying key issues and achieving alignment with other strategies. The Council will engage with key stakeholders, local residents, businesses and others (such as hard to reach groups) where appropriate. Workshops are useful for identifying and focusing discussion around difficult issues and key themes.
<b>Public Meetings</b>	Open and inclusive way for people to engage in debate on the issues. However, this can be resource intensive.
<b>Pre-existing Panels and forums</b>	Panels provide a forum for authorities to disseminate information and canvass professional opinion on proposed documents or planning applications.
<b>Questionnaires</b>	Questionnaires enable engagement with the public on specific planning issues.

## 5. Plan-Making Community Involvement

31. The community can get involved and influence the drafting of policies and proposals in relation to the Local Plan. The plan-making process starts with a **preparation** stage (Regulation 18) to seek comments and views on what the real planning issues are facing the Borough and the choices to make. This requires the Council to carry out of the preliminary stages of evidence gathering and scoping exercises. As well as consultation with stakeholders on the broad subject and issues of each document.

32. The next stage is **Publication**:

- a) Publication of the proposals for a Local Plan - this is the proposed submission of what is considered to be the best strategy for the Borough; and
- b) Publication Consultation - it is important that those wishing to influence the Local Plan should comment at this stage. Unlike the previous consultations (Regulation 18), the publication (Regulation 19) consultation focuses on three core principals – duty to co-operate (consulting effectively with neighbouring authorities and statutory bodies), soundness, and legal compliance of the Plan. Those seeking changes at this point must present evidence as to why the Local Plan is unsound.

33. Followed by **Submission**:

- a) Consideration of consultation responses/representations leading to preparation of Submission document;
- b) Submission of document to the Secretary of State with a summary of the main issues arising from the consultation and how these have been taken into account in the Submission document; and
- c) Independent Examination in Public (including hearing sessions).

34. Finally, **Adoption**:

- a) Receipt of the Inspector's report;
- b) Consideration of Inspector's report;
- c) Adoption by the Council; and
- d) Monitoring and review.

35. The various types and methods of community involvement will differ according to the stage. The Regulations 2017 (specifically Regulations 18 to 19 and 35 to 36) are less prescriptive about minimum consultation requirements at different stages. The consultation process will also need to reflect the best use of resources and the need to keep to the programme for preparation of each document set out in the LDS. Where appropriate and feasible the Council will consider joint consultation working with other local authorities.

## **How long will consultations last?**

36. The Council commits to consult for the statutory six weeks at the minimum. The 2012 Regulations (Regulation 17) confirms that the period for consultations must be not less than six weeks from the day on which a statement of the representation procedure is published. If a consultation period unavoidably runs over a holiday period (for instance Summer or Christmas) or in conjunction with another major consultation, consideration would be given to extending this period.

## **Supplementary Planning Documents**

37. Similar procedures will apply for consultation on the production of Supplementary Planning Documents (SPDs). The Council will seek to engage with the same range of residents, local stakeholders and other agencies/bodies, as appropriate to the specific SPD. Consultation will help inform the final adopted document. SPDs are not subject to the same process of submission and examination as a Local Plan and do not require Sustainability Appraisals (they should relate to a Local Plan that has undergone a Sustainability Appraisal). Representations will be considered by the Council through the appropriate Committee showing how comments have informed the final SPD, which will be made clear through the 'Feedback' process set out below. SPDs involve at least one formal round of consultation lasting a minimum of four weeks in accordance with the Local Plan Regulations.

## **Neighbourhood Plans and Development Orders**

38. Neighbourhood Plans and Neighbourhood Development Orders are taken forward by Neighbourhood Forums (including Parish Councils where relevant) with the support of the Council. Neighbourhood Plans can establish policies for the development of land in a neighbourhood if the majority of voters in that area give approval; these plans must be in conformity with the strategic policies in the Local Plan and National Planning Policy Framework. An application needs to be made by the forum to the Council to evidence that a forum has been created and area designated, in line with regulations.

39. Consultation procedures for Neighbourhood Plans and Development Orders are set out in the Localism Act 2011 and the Neighbourhood Planning Act 2017. Neighbourhood Forums are required to undertake pre-submission consultation themselves as set out in the Regulations. Following submission to the Council, the Council then publishes the plan or order for formal submission consultation. This is then followed by an independent examination and a referendum of the local neighbourhood.

40. At each stage in the Neighbourhood Planning process where publicity is required, in addition to publicising on the Council's website, the following be undertaken:

- a) Publish the matter on the applicant's website and/or parish newsletter (if there is one);
- b) Request the parish post a notice on the parish notice board or, in the absence of such a board, in a prominent position in the

parish/neighbourhood stating where the application, order or plan can be inspected;

- c) Issue a press release stating where the application, order or plan can be inspected;
- d) Publish a notice in the local press; and
- e) Notify neighbouring parish councils.

### **Community Infrastructure Levy**

41. The Community Infrastructure Levy (CIL) allows local authorities to set charges which developers must pay when bringing forward new development in order to contribute to the delivery of infrastructure to support development. Brentwood has prepared a preliminary draft charging schedule and Whole Plan Viability Assessment. A more detailed draft charging schedule, which sets out the tariff for different types of development across the Borough, will be produced following the Local Plan Regulation 19 consultation.

42. The Localism Act includes provisions to make regulations which will require a meaningful proportion of these funds to be allocated according to the wishes of the neighbourhoods where the development has taken place. The Council will meet the consultation requirements for allocating the spending to be prioritised by the local neighbourhood as set out in Community Infrastructure Levy (Amendment) Regulations 2018.

43. The Council will consult on the preliminary draft charging schedule based on the evidence collected. Any representation made will be considered and amendments made to the charging schedule where required. Once the council are satisfied with the CIL, it will be subject to an independent examination and assessed on its soundness.

### **Providing feedback on Local Plan and Supplementary Planning Document consultation**

44. The Council is committed to 'reporting back' on the responses to consultation. The Council's website will be updated regarding progress on the Local Plan documents. Following each stage of public consultation, we will:

- a) Consider fully all representations received and engage in further discussions where this will assist the Council in developing the document. Consensus will not always be achievable and where this is the case, the Council's reports will make clear the reasons for its decision, which can be subsequently challenged through the examination process;
- b) Make all responses to Publication or Submission stage documents available on our website;

- c) Produce a consultation report which will give an overview of the consultation process, a summary of the main issues raised and information on how these will be taken into account and affect the development of policy where appropriate. Consultation reports will be posted on our website; and
- d) When submitting a document for examinations in public, the Council is required to submit a statement setting out which bodies/persons the authority invited to make representations, how they were consulted, and a summary and number of main issues raised.



## 6. Decision-Taking: Community Involvement

45. The local community can provide their input on planning applications. The decision-taking process, also known as Development Management, principally involves the consideration and determination of planning applications. There are certain types of work that do not require planning permission. This is called 'permitted development'. Full details of this can be found on the Planning Portal website [www.planningportal.gov.uk/permission/](http://www.planningportal.gov.uk/permission/).

46. Local planning authorities are required by law to consult individuals and public bodies on various planning applications. The Council consider all views expressed and all comments made before reaching a decision.

47. Some proposals, such as those classed as 'major' require the applicant to consult with the local community before a planning application is submitted.

### Pre-application stage

48. The National Planning Policy Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for everyone

49. The level of engagement should be proportionate to the nature and scale of the proposed development. The more complex or contentious the proposal, the broader the range of consultation methods should be to allow as many people as possible to have their say.

50. Early engagement by applicants, before an application is formally submitted, is encouraged so that the Council can give informal comments and help overcome any potential difficulties that may arise. This is a valuable way to improve understanding and consider any likely planning policy, design or other issues that may arise. The more issues that can be resolved at the pre-application stage, the more likely it is to result in a good quality and acceptable development.

### Local communities

51. The Council encourages applicants for large scale development proposals to involve local communities before the formal application stage begins. This enables local communities to provide initial constructive comments and suggestions and may lead to fewer objections being made later on in the process, which are then material to the determination of the application.

52. It is recommended that involvement of local communities should be in the form of meetings, presentations and/or exhibitions. Applicants are encouraged to speak with the Council before arranging these events, so that they can be undertaken in a manner that is sensitive to local community concerns. However, any pre-application engagement undertaken with the community is done so by the applicant independent of the Council. Therefore, it is important that any comments being made are directed to the applicant and not to the Council at this stage.

## **Applying for planning permission**

53. Making a planning application online is the most efficient way to submit proposals. Applications can be submitted online via the Planning Portal website [www.planningportal.gov.uk/planning/applications/](http://www.planningportal.gov.uk/planning/applications/).

54. The Planning Portal is a quick and easy way to submit a planning application. Supporting documents and plans can be uploaded and the application fee paid online. Immediate verification is then received once the application is submitted.

55. Once the Council receives a planning application and validates it, we will make a decision on the proposal as quickly as possible. The time limits are usually 13 weeks for a 'major' development and 8 weeks for all other types of development (unless the application is subject to an Environmental Impact Assessment, in which case a 16-week time limit applies). In some cases, the statutory deadline can be extended via a mutual agreement (either through Article 29 agreements or Planning Performance Agreements); this enables both parties the opportunity to resolve certain problems, avoiding the unnecessary refusal of a development proposal that could otherwise be acceptable.

## **How to comment on planning applications**

56. Comments can be made on planning applications up until the expiry date provided. We will use our discretion and take into account any comments received up until the recommendation report is prepared.

57. Any comments made will be a matter of public record, and so comments will be visible on the Council's website and published for public inspection at the Council Offices. We reserve the right to obscure comments considered to be inflammatory before being displayed on the website.

## **Who will be consulted on planning applications?**

58. There are a range of statutory consultees that must be consulted, depending on the type and nature of the planning application. These are set by the Planning Regulations.

## **Adjoining and opposite neighbours**

59. Owners and occupiers of any land which adjoins that to which a planning application relates and neighbours opposite, are informed and consulted on the application.

## **General public**

60. The Council informs the general public on planning applications by publishing information on the Council's website. In the case of major or contentious applications, where we consider there may be a wider impact resulting from a development proposal, public site notices are displayed in proximity of the application site. Adverts will also be placed in the local newspaper for certain development proposals such as major applications and applications to carry out works to Listed Buildings.

## **Determining planning applications**

61. There are numerous steps that are taken that lead to a decision. Once a decision on an application has been reached, the Council sends out a decision notice to the applicant or their agent, where applicable.

## **Appeals**

62. Where a planning application is refused, the applicant may appeal against the decision. Where an application goes to appeal, the Council will notify interested parties, such as neighbours, and will give them the right to submit their views in writing or in person, depending on the method of appeal.

## Appendix 1: Examples of Consultee Categories

<b>Examples of Consultee Categories</b>			
Advice and information groups	Amenity groups	Sport and leisure groups	Disability Groups
House builders	Community groups	Conservation and heritage groups	Women's groups
Land owners and developers	Education/children/young people's groups	Elderly groups	Political Parties
Environmental groups	Tenants and residents' groups	Health organisations	Architects, planners and other professionals
Housing associations	Police and other emergency services	Regeneration groups and partnerships	Transport Groups

## **Appendix 2: Sources of Information on the Planning Process**

### **Planning Portal**

1. The Planning Portal is the Government's online 'one-stop-shop' for planning and building services. It provides information on the planning system, allows you to submit a planning application, find out about development in your area, appeal against a decision and research government policy.
2. The Planning Portal is the first port of call for anyone wanting to find out about the planning system in England and Wales. The Portal provides a one-stop-shop supplying answers, services and information to anyone involved in the planning process, from home owners and businesses to planning professionals and Government officials. As the planning system evolves and modernises, the Portal aims to guide all users through the process. For more information visit [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

### **Planning Aid England**

3. Planning Aid England provides free, independent and professional planning advice to community groups and individuals who cannot afford to pay professional fees. This is provided by the Royal Town Planning Institute.
4. Planning Aid can help people to:
  - a) Understand how the planning system works;
  - b) Comment on planning proposals;
  - c) Get involved in the preparation of Local Plans;
  - d) Draw up their own community plan or strategy; and
  - e) Apply for planning permission or appeal against the refusal of permission.
5. For more information please visit [www.rtpi.org.uk/planning-aid](http://www.rtpi.org.uk/planning-aid).

### **Ministry of Housing, Communities & Local Government**

6. The Ministry of Housing, Communities & Local Government's job is to create great places to live and work, and to give more power to local people to shape what happens in their area. One of their key responsibilities is to make the Planning system work more efficiently and effectively. To find out more visit: <https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>
7. The government's [Plain English Guide to the Planning System](#) gives an overview of how Planning works in England.
8. Government services and information can be found by visiting [www.gov.uk](http://www.gov.uk)

## **National Planning Policy and Guidance**

9. The National Planning Policy Framework for England and Planning Practice Guidance can be viewed online at [planningguidance.planningportal.gov.uk](https://planningguidance.planningportal.gov.uk)

# Appendix B

## Part II Statement of Community Involvement (SCI)

### South Essex Joint Strategic Plan (JSP)

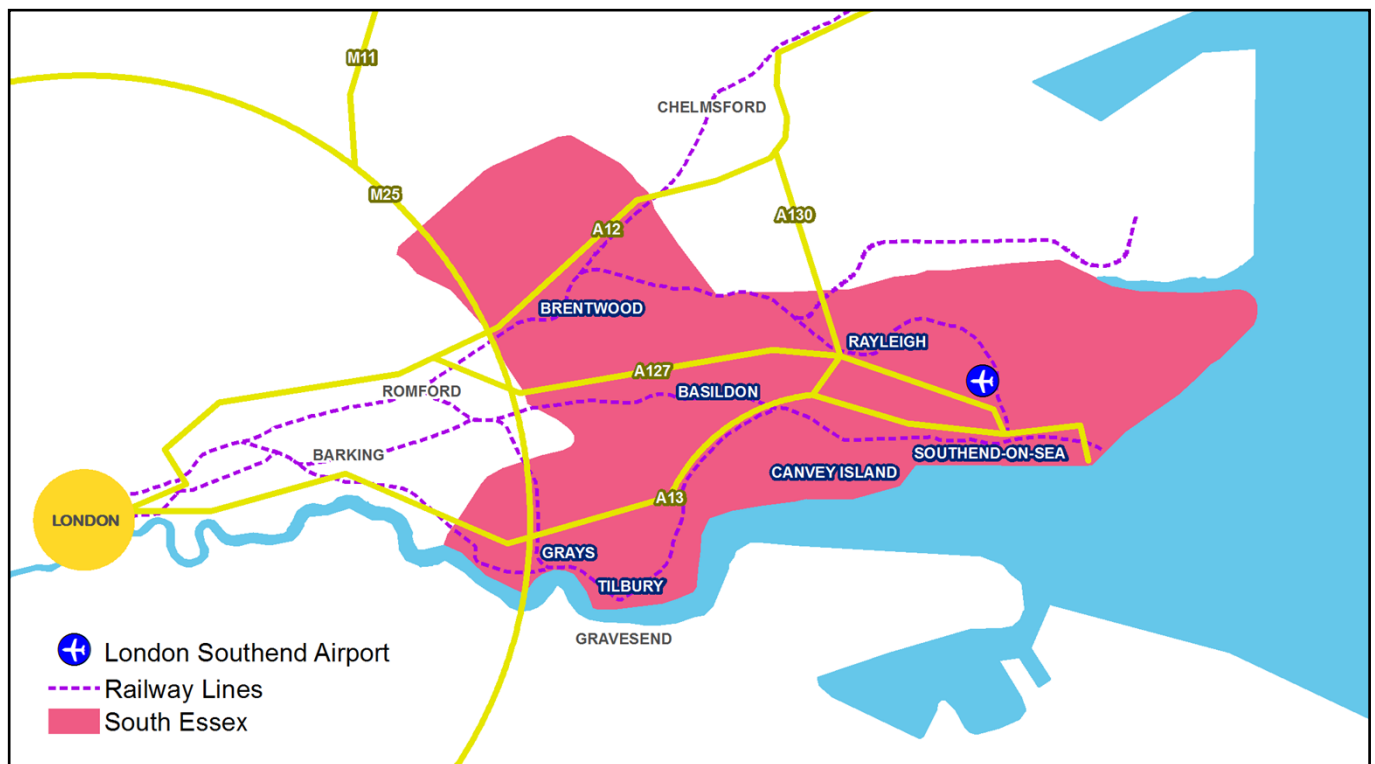
#### Draft

#### Introduction

This Part II Statement of Community Involvement (SCI) sets out a consistent approach for consultation and involvement on preparing a South Essex Joint Strategic Plan (JSP). This Part II SCI provides an addendum to each of the existing SCI's for the six South Essex authorities working in partnership on the JSP: Basildon Borough, Brentwood Borough, Castle Point Borough, Rochford District, Southend Borough, Thurrock Borough Council.

#### Important Note

This Part II SCI sets out the consultation approach for the JSP only and not on other planning documents or on planning applications. All six authorities existing Statements of Community Involvement will continue to set out the approach to consultation and involvement for other planning policy documents and planning applications, and these are not affected by this document. Please refer to the individual authority's website for details.



## Background

The JSP will be a formal statutory Development Plan Document, providing the strategic planning framework for the six Local Planning Authority areas. Essex County Council will assist with preparing the JSP. The JSP will contain strategic allocations and policies, including an overall spatial strategy and amount of housing, employment and supporting infrastructure to be provided. It will cover the period up to 2038.

Consultation is required at various stages during JSP preparation, including “Publication” stage, after which it will be submitted to Government. An independent Planning Inspector then carries out an Examination into the document, considering the views of interested people. The final decision on the soundness of the Plan will be made by that Inspector, after which the plan will be adopted by the six councils. You can find government guidance on preparing local plans here: [www.gov.uk/guidance/local-plans](http://www.gov.uk/guidance/local-plans)

## Consultation General Principles

We will apply some general principles to our JSP consultation.

- Involvement will be open to all regardless of gender, faith, race, ethnicity, disability, sexuality, age and social deprivation.
- We will undertake consultation as the plan is prepared.
- We will choose consultation processes by balancing available resources, cost and time constraints, and our level of discretion on the outcome.
- Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decision.
- Enough time (minimum of 6 weeks) will be given for responses.
- We will inform those who respond to a consultation of later stages in the process, where required.

## Who we will Consult

- Statutory organisations including councils, infrastructure providers and government bodies as legally required or otherwise appropriate.
- The general public.
- Groups representing place or interest communities.
- Local business, voluntary and other organisations.
- Planning and development industry and consultants.
- Others who have expressed an interest in the subject matter.

## How we will Consult

- We will contact appropriate organisations and individuals directly.
- We will publicise consultations by a combination of methods, as appropriate, such as: website, press release, displays, social media, community groups, community events.
- We will make consultation documents available at council offices and public libraries where appropriate.
- Consultation documents will be made available for download via each Council’s website.
- We will consider organising consultation events such as public exhibitions and stakeholder workshops.
- We will publish comments received or a summary as soon as feasible. We will explain how these comments have been taken into account when decisions are made.



## **When we will Consult**

- We will consider the need for targeted engagement with organisations and key stakeholders in developing a preferred option for consultation.
- The first consultation will ask for comments on the Draft South Essex Joint Strategic Plan, which will present the Council's preferred option.
- After considering the initial consultation responses we will formally publish the 'Publication Version' of Plan for representations in accordance with the relevant regulations before submission to Government.

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**11 December 2018**

## **Planning and Licensing Committee**

### **Response to Basildon Borough Revised Publication Local Plan 2014-2034 and Community Infrastructure Levy (Preliminary Draft Charging Schedule), October 2018**

**Report of:** *Phil Drane, Director of Strategic Planning*

**Wards Affected:** *All*

**This report is:** *Public*

#### **1. Executive Summary**

- 1.1 Basildon Borough Council is preparing a new Local Plan for their area as required by the National Planning Policy Framework (NPPF). Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans.
- 1.2 The Basildon Borough Revised Publication Local Plan (October 2018) is now at the pre-submission stage of the plan-making process (Regulation 19), which is the final opportunity to make representations before it is submitted for examination in public. Alongside the plan, Basildon Council has published its first stage of Community Infrastructure Levy (CIL) consultation; the Preliminary Draft Charging Schedule.
- 1.3 Several cross-boundary issues are identified as a result of unmet housing needs being identified in Basildon Borough, including provision for Gypsies and Travellers. It is proposed that the Brentwood Borough Council response set out cross-boundary issues and remaining concerns, with the need to resolve these through the Duty to Cooperate and specifically a Statement of Common Ground. Both Brentwood and Basildon Councils are partners in the Association of South Essex Local Authorities (ASELA). Both authorities have approved the ASELA Statement of Common Ground, which includes a commitment to joint working through the preparation of a Joint Strategic Plan for South Essex.

#### **2. Recommendation**

- 2.1 **To approve the response to the Basildon Borough Revised Publication Local Plan 2013-2034 consultation set out in Appendix A.**

### **3. Introduction and Background**

- 3.1 Basildon Borough Council is preparing a new Local Plan for their area, in line with the requirement set in the National Planning Policy Framework (NPPF) (Chapter 3 “plan-making”). Basildon Council has undertaken various stages of public consultation as part of the plan-making process, which Brentwood Borough Council (the Council) has made representations to in response.
- 3.2 The Basildon Borough Draft Local Plan (Regulation 18) was available for public consultation from January to March 2016. The Council responded by supporting the plan’s aspirations and strategic objectives. However, the Council expressed concern that the plan did not identify how the full development needs of Basildon Borough would be met. As such, the Council objected to the failure to identify suitable and available locations for both housing and Gypsy, Traveller and Showpeople need within Basildon Borough (Item 427, Planning and Licensing Committee, 12 April 2016).
- 3.3 Further consultation took place on “New Sites and Alternative Sites” (Regulation 18) in September 2016, before publishing the “Publication Draft Local Plan” (Regulation 19) in March 2018. This decision was later rescinded by Basildon Council and a commitment taken to review specific components of the plan so to provide a “Revised Publication Local Plan”.
- 3.4 The Basildon Borough Revised Publication Local Plan (October 2018) is now at the pre-submission stage of the plan-making process (Regulation 19), which is the final opportunity to make representations on the plan before it is submitted to the Secretary of State for the Planning Inspectorate to consider whether the proposals are "sound" for adoption. If adopted this will replace the Basildon District Local Plan (1998) and Alterations (1999).
- 3.5 Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans. Since the Council submitted representations to the Basildon Local Plan in March 2016, both Councils' have embraced opportunities to work together in the preparation of our respective local plans in line with the duty to cooperate. Both Brentwood and Basildon Councils are now partners in the Association of South Essex Local Authorities (ASELA). Both authorities have approved the ASELA Statement of Common Ground, which includes a commitment to joint working through the preparation of a Joint Strategic Plan for South Essex.

#### 4. Issue, Options and Analysis of Options

4.1 The NPPF requires each local planning authority to produce a local plan. This should set out strategic priorities for the area and plan positively for development and infrastructure needs, in line with national policy and guidance. Plans should include strategic policies to deliver:

- a) Homes and employment needed in the area;
- b) Provision of retail, leisure, and other commercial development;
- c) Provision of infrastructure for transport, telecommunications, water supply, waste water, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- d) Provision of health, security, community and cultural infrastructure and other local facilities; and
- e) Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

4.2 Responses to a Regulation 19 pre-submission stage of the plan-making process are limited to identifying whether the proposed local plan has adhered to the duty to co-operate, is sound, and legally compliant. These are defined in national policy as:

- a) **Duty to Cooperate:** Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities as set out in para 156 of the NPPF.
- b) **Soundness:** Defined in NPPF paragraph 182 as a local plan which is:
  - i. **Positively prepared:** the plan should be prepared 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;
  - ii. **Justified:** the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - iii. **Effective:** the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

iv. **Consistent with national policy:** the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

c) **Legally Compliant:** A plan is legal when it complies with the legal requirements under section 20(5)(a) of the Planning and Compulsory Purchase Act 2004

4.3 Having regard to these matters, this report focuses on the issues that the Council raised in response to the Basildon Draft Local Plan (Regulation 18) consultation in March 2016 and subsequent proposed development that may have cross-boundary implications in Brentwood Borough.

### **Housing Provision**

4.4 The Revised Publication Local Plan identifies an objectively assessed housing need range of between 19,491 and 19,771 homes to be delivered within Basildon Borough over the 20-year plan period from 2014 to 2034. This figure broadly aligns to the figure for Basildon Borough from the Government's Standard Method for calculating housing need.

4.5 The provision of housing need in the plan considers projected requirements for additional pitches and plots for Basildon Borough's ethnic Gypsy and Traveller households that have ceased to travel permanently. This issue is discussed separately in paragraphs 4.13 – 4.19 of this report.

4.6 Land provision for at least 17,791 homes has been identified within the plan. The scale of unmet need is identified to be around 10% of the housing requirement, equating to a shortfall of 1,980 homes if the upper housing needs figure is used.

4.7 In terms of delivery, it is expected that during the plan period to 2034, only around 15,465 homes will be delivered, with the annualised rate of delivery varying over the plan period to reflect both infrastructure and environmental constraints, which will slow delivery in some locations, and push delivery on some large-scale strategic sites beyond the plan period. Therefore, the plan identifies a minimum housing target of 15,465 over a 20-year period from 2014 to 2034, with staged delivery rates as shown below in Extract 1.

Time Period	Up to 2023	2023 – 2028	2028 – 2034
Homes per Annum	622pa	688pa	1,111pa

**Extract 1:** *Staggered housing target table, from Basildon Borough Revised Publication Local Plan 2014-2034 (October 2018)*

4.8 It should be noted that the minimum housing target of 15,465 homes (the figure that Basildon Council consider ‘deliverable’ over the plan period), falls short of the of the upper identified housing need figure by 4,306 homes and the rate of expected delivery in the plan period falls short of that considered necessary to support economic growth.

4.9 Brentwood Borough Council raised concerns in response to the Basildon Draft Local Plan consultation (March 2016), in that Policy SD1 did not confirm that all identified development need would be met within Basildon Borough. Policy SD1 has since been amended as set out below in Extract 2.

1. *“The Council will work with neighbouring authorities in south Essex to bring forward a Joint Strategic Plan for sustainable growth in South Essex which seeks to deliver at least 90,000 homes and 58,000 jobs.*
2. *In contributing to this South Essex target, the Local Plan makes land provision for 17,791 homes and 92 ha of employment land, with the target of delivering at least 15,465 homes and 20,000 jobs by 2034...”*

**Extract 2:** *Text from Policy SD1, A Strategic Approach to Sustainable Development in Basildon Borough, from Basildon Borough Revised Publication Local Plan 2014-2034 (October 2018)*

4.10 It is noted that Policy SD1 refers to the Joint Strategic Plan for South Essex in meeting unmet need. The Policy states the *“Local Plan will be reviewed, at least in part, following the adoption of the Joint Strategic Plan for South Essex, if opportunities for future growth and infrastructure provision in Basildon borough are identified.”*

4.11 Work on the Joint Strategic Plan is at an early stage, and it is not expected to be adopted until 2020. Brentwood Borough Council's Pre-Submission Local Plan (Regulation 19) was approved for publication and consultation (Item 181, Extraordinary Council, 8 November 2018), with no provision to meet the unmet development needs of adjoining boroughs over the life of the plan to 2033. Therefore, concern should be raised regarding the ability of the Joint Strategic Plan to identify sufficient

suitable locations to meet Basildon Borough's unmet need within the lifetime of the Basildon Borough Local Plan to 2034.

- 4.12 It is noted that two broad locations are identified in the plan that could unlock capacity in the longer term within Basildon Borough and through the Joint Strategic Plan (Policy SD2, Settlement Hierarchy and the Distribution of Growth). This proposal would contribute towards meeting local needs within Basildon Borough during the plan period, although this would still not meet needs in full. In addition, the sites require infrastructure investment that would be dependent on the Joint Strategic Plan, details of which are unconfirmed as the Joint Strategic Plan is at an early stage.

### **Gypsy, Traveller and Travelling Showpeople Accommodation**

- 4.13 In accordance with national guidance, Basildon Borough Council has carried out a Gypsy, Traveller and Travelling Showpeople Local Needs Accommodation Assessment (BBLNAA), published in January 2018. In addition, through the Duty to Cooperate, Basildon Council participated in the collation of the wider Essex Gypsy, Traveller and Travelling Showpeople Local Needs Accommodation Assessment, also published in January 2018, which concludes local needs for all Greater Essex authorities (including Brentwood Borough). Both studies followed the same methodology and collectively represent a local and strategic picture of needs until 2034.
- 4.14 The BBLNAA identified a specific need of 47 additional nomadic pitches for Gypsies and Travellers. A further six pitches represent 10% of the unknown population's projected growth needs as judged to be reasonable by the BBLNAA. In addition, a need for three nomadic plots for Travelling Showpeople has been identified to be delivered within Basildon Borough by 2034.
- 4.15 Site suitability was assessed as part of the Basildon Borough Gypsy, Traveller and Travelling Showpeople Site Provision Study (BBSPS), published in March 2018. A review of existing unauthorised Gypsy and Traveller sites, as categorised within the BBSPS, provides for a minimum of 44 additional Gypsy and Travelling pitches across the plan period. It is anticipated within the Revised Publication Local Plan that through new site provision and by working with the travelling community to regularise appropriate unauthorised sites occupied by Gypsies and Travellers, 34 of these pitches would be deliverable within the first five years of the plan, which means that Basildon Borough's nomadic Gypsy and Traveller needs (arising within the first five years of the plan) would be met.



However, it is noted there will remain a shortfall of nine Gypsy and Traveller pitches to meet the identified need, which will arise towards the end of the plan period.

- 4.16 Furthermore, whilst the plan makes provision for meeting the Travelling Showpeople need in full, the required yard is unlikely to come forward within the first five years of the plan period when the need for one plot arises owing to the strategic nature of development to be delivered on land allocated by Policy E6 and the need for a masterplanned approach.
- 4.17 In addressing this unmet need Policy H3 states that Basildon Council will *“continue to work collaboratively with neighbouring authorities through the Joint Strategic Plan to develop a strategic approach to traveller provision that meets the needs of Gypsies, Travellers and Travelling Showpeople over the wider area for the longer term, consistent with the requirements of the national policy for traveller site provision”*.
- 4.18 The Revised Publication Local Plan does not meet Basildon Borough’s Gypsy and Traveller needs. The plan proposes to meet unmet need through the Duty to Cooperate and partnership working in the Joint Strategic Plan. Brentwood Borough Council’s response to the Basildon Borough Draft Local Plan (March 2016) expressed concern that the identified need for Gypsy and Travellers over the plan period was not being met. To maintain a consistent approach, it is proposed that concern is again expressed.
- 4.19 The plan does identify the mechanism for dealing with unmet need; the Joint Strategic Plan. Brentwood Borough Council is a partner in ASELA along with Basildon Borough Council. Joint working is ongoing to identify solutions to the issues creating unmet need. However, specific mechanisms are not identified for how unmet need can be met within Basildon Borough, or instead elsewhere in South Essex, and so it is considered appropriate to identify this as an issue to be resolved through the Duty to Cooperate, specifically a Statement of Common Ground.

### **Economic Growth**

- 4.20 Given the linkages between employment sites in both Brentwood and Basildon Boroughs that host the Ford Motor Company, it is considered appropriate to comment on Policy E3, Existing Employment Area for Research and Development Uses. This policy safeguards the Ford site at Dunton for employment purposes.

- 4.21 Ford recently announced a consultation to move from its Warley offices, in Brentwood Borough, moving jobs to Dunton (4.5 miles away and within South Essex). This is consistent with the redevelopment potential of the wider Warley site, allocated in the Brentwood Borough Pre-Submission Local Plan (Regulation 19), October 2018. It is proposed that support is expressed for the safeguarding of employment land at Dunton for automotive research and development purposes. Retaining Ford employment in the area is important for the Brentwood Borough and South Essex economies. Commitment by Ford to the Dunton site retains employment in the area and encourages future investment. Partnership working between Brentwood and Basildon Councils, as well as ASELA, should be aimed at encouraging future commitment and investment from Ford to the area for the longer term.
- 4.22 In addition, support is proposed for the aim to achieve economic growth in the A127 Corridor. This should be in combination with other schemes for economic growth in the wider area, such as that through Dunton Hills Garden Village and Brentwood Enterprise Park.

#### **Community Infrastructure Levy Preliminary Draft Charging Schedule**

- 4.23 Local planning authorities can introduce a Community Infrastructure Levy (CIL) for their area. This is a set charge on types of development to help bring forward local infrastructure and services needed to support new homes and businesses, such as roads; schools; healthcare facilities; and green spaces. The first stage is to produce a Preliminary Draft Charging Schedule, which Basildon Council is consulting on alongside the Revised Publication Local Plan. The Basildon Borough CIL is at an early stage and proposals are specific to the Basildon area. Therefore, no comments are proposed to be made at this stage in response to CIL.
- 4.24 More information on the Basildon Borough CIL can be at [www.basildon.gov.uk/CIL](http://www.basildon.gov.uk/CIL).

#### **Duty to Cooperate and the South Essex Joint Strategic Plan**

- 4.25 A number of cross-boundary issues are identified in the response, including concerns about the delivery of new homes and Gypsy & Traveller pitches to meet the needs of Basildon Borough. It is proposed that a Statement of Common Ground(s) be prepared by Brentwood and Basildon Councils, relating to the plan-making process of both authorities. The Statement should identify the cross-boundary issues and an agreed process to resolve identified concerns. This will be an important part of displaying an effective mechanism for cooperation.

- 4.26 Working in partnership through ASELA will also enable both Brentwood and Basildon Councils to resolve identified strategic issues as part of the South Essex Joint Strategic Plan.

## **5. Reasons for Recommendation**

- 5.1 Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans. The proposed response to the Basildon Borough Revised Publication Local Plan 2014-2034 is set out in Appendix A.
- 5.2 Both Brentwood and Basildon Councils' have embraced opportunities to work together in the preparation of our respective local plans in line with the duty to cooperate. Both authorities are partners in ASELA, committed to joint working through the preparation of a Joint Strategic Plan for South Essex.
- 5.3 The response set out in Appendix A aims to outline key issues and remaining concerns within the context of ongoing partnership and joint working.

## **6. Consultation**

- 6.1 The Basildon Borough Revised Publication Local Plan 2013-2034 consultation period runs for six weeks and four days, between 1 November and 17 December 2018. The content of the response set out in Appendix A, if approved, will be separated into the relevant Local Plan chapters and submitted online to Basildon Borough Council by the deadline.
- 6.2 Previous consultation has taken place on the Basildon Local Plan, the most recent closing in April 2016. The Council responded to this consultation (Item 427, Planning and Licensing Committee, 12 April 2016). The response proposed in Appendix A takes into account previous representations made by the Council on the Basildon Local Plan.

## **7. References to Corporate Plan**

- 7.1 The Basildon local plan is relevant to the Thames Gateway South Essex housing market area, and the South Essex Joint Strategic Plan. Both have a relationship with the emerging Brentwood Local Development Plan, the production which is a key priority in the Council's Vision for Brentwood 2016-2019. Joint aims to deliver South Essex 2050 ambitions

regarding growth and infrastructure investment also relate to priorities within the Vision for Brentwood 2016-2019.

## **8. Implications**

### **Financial Implications**

**Jacqueline Van Mellaerts, Interim Chief Finance Officer**

**01277 312829 [jacqueline.vanmellaerts@brentwood.gov.uk](mailto:jacqueline.vanmellaerts@brentwood.gov.uk)**

- 8.1 None directly arising from this report. References to partnership working through the South Essex Joint Strategic Plan are considered through the budget setting process for plan-making in future years, including contribution to the work of ASELA which is currently managed through earmarked reserves.

### **Legal Implications**

**Surinder Atkar, Planning Solicitor**

**01277 312687 [surinder.atkar@brentwood.gov.uk](mailto:surinder.atkar@brentwood.gov.uk)**

- 8.2 The Localism Act 2011 places a legal duty on local planning authorities and other defined local bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but local planning authorities must make every effort to secure the necessary cooperation before they submit their Local Plan for examination. The cooperation should produce effective and deliverable policies on strategic cross boundary issues.

### **Other Implications**

- 8.3 Joint working will continue between Brentwood and Basildon Councils, with the goal of identifying cross-boundary issues in a Statement of Common Ground(s) for the plan-making processes of both authorities. In addition, joint work will continue in the context of partnership in ASELA.

## **9. Background Papers**

- 9.1 Basildon Borough Revised Publication Local Plan 2014-2034 (Regulation 19), October 2018. The consultation document and supporting information can be viewed on Basildon Borough Council's website at <http://www.basildon.gov.uk/localplan>.
- 9.2 Brentwood Borough Council response to the Basildon Draft Local Plan Consultation, March 2016 (Item 427, Planning and Licensing Committee, 12 April 2016)

[\[https://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=363&MId=1813\]](https://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=363&MId=1813)

## **10. Appendices to this report**

- Appendix A: Brentwood Borough Council Response to the Basildon Borough Revised Publication Local Plan 2014-2034 (Regulation 19), December 2018

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## **Brentwood Borough Council Response to the Basildon Borough Revised Publication Local Plan 2014-2034 (October 2018)**

Thank you for inviting Brentwood Borough Council to provide comments as part of Basildon Borough Council's consultation on its Revised Publication Local Plan. Brentwood Borough Council is a neighbouring local planning authority and there are several strategic issues, such as housing provision and infrastructure, which can be considered at levels higher than a single area concerning both boroughs. It is important that such issues are addressed through collaborative working and meaningful discussions in accordance with legislation, NPPF and planning practice guidance.

Brentwood Borough Council has limited comments to high level strategic issues that impact directly on Brentwood Borough and/or where it is considered that some resolution is required.

### **Housing Provision**

Concern is raised that the housing provision identified in the Revised Publication Local Plan is some 1,980 homes short of the upper range of objectively assessed housing need (19,771 homes). It is noted that the objectively assessed housing need range is broadly consistent with the Standard Method.

Concern is raised that the minimum housing target specified in the plan according to what is considered deliverable, at 15,465 homes, falls short of the of the upper identified housing need figure by 4,306 homes.

It is noted that Policy SD1 refers to the South Essex Joint Strategic Plan (JSP) to help meet unmet housing need in Basildon Borough. As an ASELA partner, Brentwood Borough Council understands the benefit that joint working to publish a strategic plan will provide when it comes to infrastructure investment to unlock growth. However, the JSP should be in place to unlock growth over and above locally identified needs. The JSP is at an early stage. Concern is raised regarding the reliance on the JSP and the review mechanism that may be required if the Basildon Local Plan is not able to deliver new homes in the longer-term against need.

It is noted that Policy SD2 identifies two broad locations in the plan that could unlock capacity in the longer term within Basildon Borough and through the JSP. This proposal would contribute to local needs being met within Basildon Borough during the plan period. However, those needs would still not be met in full and the sites require infrastructure investment that would be dependent on the JSP.

As a neighbouring local planning authority and fellow partner in ASELA, Brentwood Borough Council requests that the issue of how to meet unmet housing need in Basildon Borough forms part of further discussion through the duty to cooperate. This issue is unresolved, and it is proposed that this forms part of a Statement of Common Ground between the authorities. This will enable dialogue to take place on how to resolve the issue, which will likely include joint working as part of preparing the JSP. Until this issue is resolved Brentwood Borough Council reserves the right to object to the Basildon Borough Revised Publication Local Plan 2014-2034.

### **Gypsy, Traveller and Travelling Showpeople Accommodation**

Concern is raised that the Revised Publication Local Plan does not meet Basildon Borough's Gypsy and Traveller needs. The plan proposes to meet unmet need through the Duty to Cooperate and partnership working in the JSP, as set out in Policy H3. Identified broad locations that are not allocated for development but could be brought forward within the plan period subject to infrastructure investment through the JSP (Policy SD2) could contribute to unmet Gypsy, Traveller and Travelling Showpeople need.

Concern is raised regarding the reliance on the JSP and the review mechanism that may be required if the Basildon Local Plan is not able to deliver new homes in the longer-term against need.

As a neighbouring local planning authority and fellow partner in ASELA, Brentwood Borough Council requests that the issue of how to meet unmet Gypsy, Traveller and Travelling Showpeople need in Basildon Borough forms part of further discussion through the duty to cooperate. This issue is unresolved, and it is proposed that this forms part of a Statement of Common Ground between the authorities. This will enable dialogue to take place on how to resolve the issue, which will likely include joint working as part of preparing the JSP. Until this issue is resolved Brentwood Borough Council reserves the right to object to the Basildon Borough Revised Publication Local Plan 2014-2034.

### **Economic Growth**

Support is expressed for Policy E3, safeguarding the Ford site at Dunton for employment purposes. It is noted that Brentwood and Basildon Boroughs share employment sites that host the Ford Motor Company. It is noted that Ford recently announced a consultation regarding the potential to move from its Warley offices in Brentwood Borough, and providing jobs at Dunton, in Basildon Borough (4.5 miles away and within South Essex). This is consistent with the redevelopment potential of the wider Warley site, allocated in the Brentwood Borough Pre-Submission Local Plan (October 2018).

Brentwood Borough Council support the safeguarding of employment land at Dunton for automotive research and development purposes and welcome the investment that Ford would put into Dunton with a commitment to stay in South Essex.



Employment and economic growth in the area is important for the South Essex economy.

In addition, Brentwood Borough Council support the Revised Publication Local Plan aim to achieve economic growth in the A127 Corridor. This should be in combination with other schemes for economic growth in the wider area, such as that through Dunton Hills Garden Village and Brentwood Enterprise Park.

It is suggested that the issue of economic growth, geographic connections between Brentwood and Basildon boroughs, and specific sites mentioned in this response, form the basis of further joint working.

### **Duty to Cooperate and the South Essex Joint Strategic Plan**

Brentwood Borough Council welcomes the opportunity to continue to work with Basildon Borough Council in progressing the plan-making process on an ongoing basis in line with the duty to cooperate. Good progress has been made in discussion between the two authorities, including joint working and partnership through ASELA. Both authorities have embraced opportunities to work together in the preparation of our respective local plans in line with the duty to cooperate. Both authorities have approved the ASELA Statement of Common Ground, which includes a commitment to joint working through the preparation of a Joint Strategic Plan for South Essex.

It is proposed that a Statement of Common Ground(s) be prepared to identify cross-boundary issues and set out a path to resolution on cross-boundary issues identified.

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