

LOCAL PLAN SUB-COMMITTEE AGENDA

Tuesday, 11 February 2020 at 5:00pm

**Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

Members of the Local Plan Sub-Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor D Bebb (Vice Chairman)	Councillor P Horner
Councillor K Bowers	Councillor D Hume
Councillor G Butland	Councillor Mrs G Spray (Chairman)
Councillor T Cunningham	Councillor T Walsh
Councillor T Everard	Councillor J Wrench

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

Health and Safety

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording

Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months using this link: <http://braintree.public-i.tv/core/portal/home>

Documents

Agendas, reports and minutes for all the Council's public meetings can be accessed via www.braintree.gov.uk

We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via governance@braintree.gov.uk

PUBLIC SESSION

Page

1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 17th October 2019 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Statement of Community Involvement - Post Consultation Update

4 - 46

6 Braintree District Publication Draft Local Plan 2017

To receive a verbal update.

7 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

8 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

9 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Statement of Community Involvement Post Consultation Update Report		Agenda No: 5
Portfolio	Planning and Housing	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Gary Sung	
Report prepared by:	Gary Sung	
Background Papers:		Public Report: Yes
<ul style="list-style-type: none"> • The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 • Neighbourhood Planning Act 2017 • Town and Country Planning (Development Management Procedure) Order (2015) • General Data Protection Regulations • National Planning Policy Framework (2019) • National Planning Policy Guidance 		Key Decision: No
Executive Summary:		
<p>An update to the Statement of Community Involvement (SCI) is required at least every 5 years, in order to comply with the Town and Country Planning Regulations 2017.</p> <p>This update includes publication of the actions the Local Planning Authority will do to support Neighbourhood Planning, and updates to consultation methods in response to new technology and consultation techniques for Local Plan and Development Management consultations.</p> <p>A number of changes have been made to the SCI following comments received during the January 2019 consultation and the recommendations made by the Planning Committee on 4th February 2020.</p> <p>The Statement of Community Involvement (2020) is attached as Appendix A to this report.</p>		
Recommended Decision:		
That the Statement of Community Involvement (2020) is adopted.		

Purpose of Decision:	
To consider amendments to, and adoption of a revised Statement of Community Involvement (2020).	
Corporate Implications	
Financial:	Officer time and resources required to carry out any public consultation is estimated to be minor.
Legal:	The Local Planning Authority has a duty to review its Statement of Community Involvement at least every five years from the date of publication.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	The Statement of Community Involvement has a positive/neutral impact on people with protected characteristics.
Customer Impact:	The Statement of Community Involvement will set out how the Local Planning Authority will undertake public consultations and/or engage with its customers for the Local Plan and for planning applications. For Parish Councils, it will also set out how the Local Planning Authority will support Neighbourhood Plans.
Environment and Climate Change:	No matters arising out of this report
Consultation/Community Engagement:	A 6 week consultation was undertaken between 11 th January and 11 th March 2019.
Risks:	The Local Planning Authority (LPA) has a legal duty to review its Statement of Community Involvement under the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
Officer Contact:	Gary Sung
Designation:	Senior Planning Policy Officer
Ext. No:	2590
E-mail:	Gary.sung@braintree.gov.uk

Introduction

The Statement of Community Involvement (SCI) sets out how the Council will consult the residents and stakeholders on planning applications and Local Plan documents. This includes public consultation on the Local Plan, Neighbourhood Plans and Supplementary Planning Documents, making comments on planning applications and how the Local Planning Authority (LPA) will assist Neighbourhood Planning areas or forums.

Braintree's SCI was last reviewed in 2014 so this review will need to take into account new Regulations in the Neighbourhood Planning Act 2017 and the amendments to the Town and Country Planning Regulations to review SCIs every five years. When adopted, this will become the fifth update to the SCI.

The Neighbourhood Planning Act 2017 requires Councils to set out policies under the duty to provide assistance to Neighbourhood Planning groups. The SCI review was also an opportunity to refresh development management processes to streamline consultation methods and update the planning terms used.

A draft SCI was approved for public consultation by this Sub-Committee on 10th January 2019. Although the contents of the SCI were suitable for consultation, Members expressed concern that site notices may no longer be displayed and that neighbour notification letters may not be sent for all planning applications. In response, the Development Management Team have redrafted chapter 6 of the SCI concerning public consultation on development management applications and enforcement. This chapter will be presented separately to the Planning Committee on 4th February 2020 for a recommendation of approval. A verbal update will be delivered to the Local Plan Sub-Committee on 11th February 2020.

Public Consultation Results

The public consultation on the draft SCI was held between 11th January and 11th March 2019. There were a total of 19 comments from 12 respondents. In addition, Development Management have also fed back on chapter 6 in regards to the approach to public consultations for planning applications.

A table of responses received, with an officer response for each point, is attached at Appendix B. A summary of the responses is as follows:

- The SCI should state that the LPA must provide an indicative number of dwellings required in NDP area.
- There should be timescales set for each stage of process in the neighbourhood planning support table pages 16&17.
- Paragraph 4.17 could be misleading as it states 'examinations are not required for Neighbourhood Plans'.
- The British Horse Society and Essex riders should be consulted on planning matters.
- The Council should build on brownfield sites rather than greenfield or in gaps between Braintree and Cressing/Rayne.
- The Council doesn't take on-board public consultation comments.
- Tendring District Council should be a specific consultee.

- Paragraph 3.4 on the status of the Local Plan should be updated and elaborated in greater detail.
- Welcome opportunity to be consulted on heritage and historic issues.
- Essex Police should be consulted for residential and commercial development.
- Town and Parish Councils should specifically be consulted for minor and householder applications.
- Publicity and consultation process should still include site notices and letters to neighbours as not everyone has the internet.

Appendix B shows each comment with an officer response, with any recommendation for changes to the SCI. It should be noted that significant changes have been incorporated into the adoption version of the SCI attached at Appendix A.

A summary of these changes are as follows:

- One respondent stated that the LPA must provide an indicative number of dwellings required in a neighbourhood planning area. This is a requirement of paragraphs 65 and 66 of the 2019 National Planning Policy Framework (NPPF) whereby the LPA should set out housing requirements via the strategic policies of the Local Plan, and where it is not possible, provide an indicative figure for each designated Neighbourhood Plan area. This requirement is accepted and a modification is added to paragraph 3.18 which applies to NPPF 2019 compliant Local Plans.
- Two respondents have noted that paragraph 4.17 could be misleading where it states that 'examinations are not required for Neighbourhood Plans'. This is agreed and modifications have been recommended as below.
- Chelmsford City Council have asked that we clarify the Neighbourhood Plan examination process – the table under paragraph 4.18 has been amended.
- Tendring District Council (TDC) have requested to be listed as a specific consultee. Although not a neighbouring Authority, TDC is a partner in the North Essex Authorities' Section 1 Local Plan and this modification is recommended.
- Relevant changes have been made to update the SCI to reflect the latest legislation and Regulations for Local and Neighbourhood Plans.
- Minor corrections pertaining matters of fact.
- The remaining recommended changes relate to chapter 7 on Development Management consultation procedures. This chapter has been rewritten to smoothly guide residents and stakeholders through making comments on planning applications. Main changes include:
 - Committing the Council to display site notices for works to Protected Trees.
 - Site notices for properties adjoining Advertising Consent applications will no longer receive site notices and notification letters.
 - Adding information for permitted development.
 - Updated pre-application advice for developers.
Set out through tables 7.1 to 7.11 the consultation that will be carried out across the range of planning applications categories. N.B. All consultations will exceed the minimum legal requirements for the publicity of applications.
 - Prescribe the actions to be undertaken for site notices, letters and newspaper publications.

- Adding information for viewing and commenting on applications, determination, appeals and enforcement.

Recommendation

That the Statement of Community Involvement (2020) is adopted.



LOCAL PLAN | Statement of Community Involvement 2020

Contents

1. Background	4
Consultation on draft revision of 5th iteration of the SCI	4
2. Introduction	5
What is an SCI?	5
3. The Plan Making Process	6
Currently adopted Local Plan	6
Local Development Scheme	6
Local Plans (including DPDs, policies maps and sustainability appraisals)	6
Supplementary Planning Documents (including area action plans)	7
Neighborhood Plans	7
4. Stages in Preparation of Development Plan Documents and Neighbourhood Plans	10
Preparation and Public Participation, and Duty to Co-operate (Issues and Scoping)	10
Regulation 18 Consultation	10
Regulation 19 + 20 Publication of a Local Plan	11
Public Examination	11
Adoption	11
SPDs and Neighbourhood Plans	12
5. Community Involvement in the Local Plan	14
Methods of Community Involvement	14
6. Who is involved?	16
Voluntary Sector Involvement	18
Consultation with hard to reach groups	18
Duty to Co-operate	18
Feedback and respond to Consultation Results	18
7. Development Management	20
Pre-Application Process	20
Publicity of Applications	21
How to View and Comment of Applications	23
How Applications are Determined	26
Planning Enforcement	27
8. Monitoring and Review	28
9. Glossary	29

1. Background

1.1 This document is an amendment to the Statement of Community Involvement (SCI) September 2013. It is the 5th iteration of the SCI.

1.2 The first SCI was adopted by the Council in July 2006, following a public consultation and review by an independent Planning Inspector. In September 2009, a supplement was approved due to the Council introducing pre-application charging. A further minor amendment was approved by the Local Development Framework (LDF) Panel in April 2010. Further amendments were made in 2013 reflected changes in legislation, governance and technological change.

1.3 A need to review the SCI has arisen due to recent changes in legislation. *The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017* amended section 10A to include a duty on Local Planning Authorities (LPAs) to review their SCIs every five years. Additionally, the *Neighbourhood Planning Act 2017* has introduced a requirement on LPAs to include within their SCIs their policies for giving advice or assistance on making and modifying neighbourhood development plans and on making neighbourhood development orders.

1.4 An SCI must be subject to public consultation however since 2011, SCIs do not need independent examination.

Consultation on draft revision of 5th iteration of the SCI

1.5 This SCI was published for a six week public consultation using methods from both the previous SCI and any additional methods set out in this document. An equalities impact assessment accompanies the SCI to ensure that the needs of people in respect of age, disability, gender, pregnancy & maternity, race, religion or sexual orientation are taken into account.

2. Introduction

2.1 The *Planning and Compulsory Purchase Act (2004)* changed the planning system in England by including a requirement for Local Planning Authorities (LPAs) to produce a Statement showing how communities and stakeholders will be consulted. The *Localism Act 2011* places engaging with local communities to shape the places where they want to live, work and play at the heart of the planning system.

What is an SCI?

2.2 The Statement of Community Involvement (SCI) sets out how and when the LPA will involve local communities in the planning system, together with a description of the consultation methods to be used for each planning activity such as site notices, social media, workshops and other methods. This includes community engagement in both policy and development management aspects of the planning system; The Local Plan, neighbourhood and other planning policy documents which sets out the planning policies to guide new development in the District and consultation on planning applications.

2.3 The National Planning Policy Framework (NPPF) (recently updated in July 2018) provides the framework for local communities and the local authorities to prepare local and neighbourhood plans that reflect their visions and aspirations through the Local Plan process. The NPPF recognises that early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential.

2.4 Paragraph 12-017 of the NPPG (last revised 2014) states:

“LPAs [are required] to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority’s website.”

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

Stage 1	Regulation 18	Public participation in preparation of DPDs.
Stage 2	Regulation 19 + 20	Publication of a DPD and making representations (under regulation 20 consultation is 6 weeks).
Stage 3	Regulation 22	Submission of documents to Secretary of State.
Stage 4	Regulation 23 to 25	Examination process.
Stage 5	Regulation 26	Adoption of DPD.

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'.

Currently adopted Local Plan

3.2 Braintree District Council has adopted a Core Strategy (2011) under the Local Development Framework System. Guidance for the District is also set out in the Local Plan Review 2005, and is relevant where it is still an adopted development policy for decision making.

3.3 For the purposes of minerals and waste planning, Essex County Council are the responsible authority for producing a Minerals Local Plan and Waste Local Plan. The Essex and Southend-on-Sea Waste Local Plan was adopted in July 2017 and the Essex Minerals Local Plan was adopted in July 2014. When preparing the Braintree Local Plan, regard will need to be given to the strategies and policies contained within the Minerals and Waste Local Plans.

3.4 Braintree District Council has submitted for examination a new two part Local Plan with a shared strategic Section 1 which is jointly prepared with the neighbouring authorities of Tendring and Colchester. The Section 2 Local Plan has also been submitted and sets out policies and proposals which relate to Braintree District only.

3.5 The new Local Plan 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.

3.6 There are a number of different types of planning documents that can be prepared as set out below.

Local Development Scheme

3.7 The Local Development Scheme (LDS) is a project planning document for the Local Plan. It sets out the documents that the Council intends to produce, their scope and the timetable for their preparation. It is regularly updated to reflect the Council's priorities for plan making.

Local Plans (including CIL, DPDs, policies maps and Sustainability Appraisals)

3.8 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 in accordance with this SCI. The DPDs will be subject to a public examination to assess their soundness, which will be carried out by an independent Planning Inspector.

3.9 A policies map (also known as proposals map) often accompanies a DPD to spatially identify land use designations and allocations. The adopted proposals map reflects the

most up-to-date spatial plan for the District and is revised when new DPDs are adopted. Inset maps have been prepared at a larger scale than the proposals map to show certain areas in more detail.

3.10 The Council will undertake a Sustainability Appraisal (SA) and Strategic Environmental Assessments (SEAs) of DPDs during their preparation. This tests the policies and proposals against sustainability objectives and enable them to be modified where appropriate to mitigate potential adverse effects. The Sustainability Appraisal will be published for public consultation alongside the DPDs where appropriate.

Supplementary Planning Documents (including Area Action Plans)

3.11 A Supplementary Planning Document (SPD) provides further information in respect to DPD policies. SPDs must be consulted on (regulations 18 - 20) and can be adopted without an independent examination.

3.12 To guide the application of policies in the Local Plan, the Council has adopted a number of SPDs. The SPDs 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 the Development Plan Document. SPDs must have public consultations carried out in accordance with this SCI.

3.13 An Area Action Plan (AAP) is a SPD which is focused on a specific location and set out additional policies and/or land use designations. This typically involves new policies for the implementation and delivery of development of an appropriate scale, mix and quality. There are currently no plans for the production of new AAPs, as Masterplans, rather than AAPs, will be produced for allocated strategic growth locations to guide planning applications for these areas where appropriate.

Neighbourhood Plans

3.14 The *Localism Act 2011* introduced reforms to the planning system that enables communities through a parish/town council or a Neighbourhood Forum to create Neighbourhood Plans for their area. This has introduced a new tier of Development Plan Documents to the planning system.

3.15 The *Neighbourhood Planning (General) Regulations 2012* provides further details of the process of Neighbourhood Planning, including requirements for consultation and publication of neighbourhood areas, forums and plans. The 2017 regulations amendment brought in new duties for the LPA including a requirement for LPAs to set out how they will give advice or assistance to Neighbourhood plans or Development Orders.

3.16 Assistance and advice is available from the Rural Communities Council of Essex (RCCE) and Council's Local Plan Team. The [*Statement of Relationship with Braintree District Council in the preparation of a Neighbourhood Development Plan*](#) provides more information and is available online. The table below also outlines the assistance that will be provided:

Stage of Process	Support Available
Initial meeting(s)	Make a presentation about neighbourhood planning; Facilitate a community workshop to get people involved; Provide examples of publicity materials.
Define the Neighbourhood Area	Explain the application process; Advise on the boundaries and the suitability of the local group as a 'qualifying body'.
Establish a steering group	Chair initial meetings of volunteers; Advise on group structure; Provide example terms of reference; Provide training for group members.
Prepare a project plan	Advise on time plan and budget; Assist with funding applications.
Community engagement	Advise on a communications strategy; Provide example surveys; Advise on engagement event organisation; Facilitate community engagement events; Advise on how to keep records of participants.
Draft a vision and planning objectives	Facilitate a visioning event; Provide example visions and planning objectives.
Create an evidence base	Sign post to sources of information; Provide maps; Advise on assessment of sites; Provide comments on the emerging evidence base; Advise on additional studies that may be needed; Advise on Sustainability Appraisal; Advise on any requirement for Environmental Assessment and Habitats Regulations Assessment.
Prepare a draft plan	Advise on presentation and assessment of options; Advise on creating deliverable proposals; Advise on how to draft planning policy; Advise on the structure of the document; Provide comments on the emerging draft; Provide a Strategic Environmental Assessment scoping report on the draft plan.
Consult on the plan (pre submission consultation)	Advise on the statutory consultation process; Advise on the preparation of the Consultation Statement and Basic Conditions Statement.
Submit the Plan for Validation and Consultation	Advise on suitability of the plan in meeting the 'basic conditions': Conformity of the Plan; Suitability of the Consultation Statement; Suitability of any Environmental Assessment or Habitats Regulations Assessment undertaken; Conformity with other legislative requirements; Conformity with the OS mapping requirements (including copyright issues).
Appoint examiner	Work together on the appointment of the independent examiner.

3.17 Like Local Plans, neighbourhood plans are subject to public consultations. Neighbourhood plan consultations must adhere to the stages within the Neighbourhood Planning (general) regulations 2012 (As Amended). The LPA may be required to undertake the consultation for Neighbourhood Designation under some circumstances where this is required by regulation – the LPA will advise on a discretionary basis.

3.18 When it becomes possible to provide a requirement housing figure for a designated neighborhood plan area, i.e. through preparation of an NPPF 2018 compliant Local Plan, the LPA will provide such assistance during the creation of an evidence base.

3.19 Regulation 14 consultation is carried out by the Parish Council or Neighbourhood Forum, they must consult the bodies prescribed in Schedule 1 of the regulations, and they may decide who else to consult given the scope and nature of the proposals in accordance with paragraph 48 of the PPG. The LPA will advise and assist on this consultation as required. For regulation 16, it is the LPA's responsibility to undertake public consultation in accordance with the legislation and the commitments set out within this SCI.

3.20 Before the examination, the LPA 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. If significant changes are made by the LPA, further examination may be required.

4. Stages in Preparation of Development Plan Documents, Supplementary Planning Documents and Neighbourhood Plans.

4.1 The Council will publish details, in its Local Development Scheme and on its website, of the timetable for the preparation of DPDs and will regularly update this information. DPDs that have been adopted will be published on the website, together with supporting evidence documents. An interactive version of the Local Plan will be available on the website.

4.2 The key stages in the preparation of Development Plan Documents are as follows:

Preparation and Public Participation, and Duty to Co-operate (Issues and Scoping)

4.3 This is the survey and evidence gathering stage, undertaken to understand the main issues to be addressed in the document. It involves collating up to date information on social, environmental and economic matters.

4.4 Early consultation will be conducted on each DPD as considered appropriate by the Council.

4.5 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.

4.6 In order to demonstrate effective and on-going joint working, the NPPF requires LPAs to maintain Statements of Common Ground (SOCG) on cross-boundary matters. These will state the matter(s) being addressed and progress made through co-operation to address them. The information required for the production of SOCGs is detailed further in the NPPG.

Regulation 18 Consultation

4.7 This consultation stage is a statutory requirement and a minimum six week consultation period for a development plan document is required. 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.

4.8 The Council will publish the document electronically and in paper form.

4.9 A Sustainability Appraisal must be integrated at this stage to inform the DPD from a sustainability perspective, ensuring that the social, environmental and economic needs of (and effect on) the area are taken into account. A Habitats Regulation Assessment may also be required to establish whether the DPD has likely significant effects on internationally protected nature conservation sites.

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

Regulation 19 + 20 Publication of a Local Plan

4.11 After considering the responses to the draft document, the Council will publish the Submission Document. This will contain finalised policies and proposals. Before it can be submitted to the Secretary of State it will be published for pre-submission consultation for a minimum of six weeks. The submission will be accompanied by a document that sets out how representations have been dealt with in accordance with this SCI.

4.12 Representations should relate to whether policies and plans are prepared in accordance with the Duty to Cooperate, the relevant legal and procedural requirements, and whether it is considered to be 'sound' (see paragraph 4.15 below). Representations at this stage should only make reference to these matters.

4.13 At the same time the Sustainability Appraisal and Habitats Regulations Assessment will be published together with other supporting documents as appropriate. Copies of all representations received during the period for consultation on the Submission DPD together with a summary of previous issues and how they were dealt with, will be forwarded to Secretary of State

Public Examination

4.14 The Secretary of State will appoint an Inspector to carry out the examination into the soundness of the document. The tests of soundness (NPPF Paragraph 35) are set out below:

- a) Positively Prepared – providing a strategy which, as a minimum, seek to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this framework.

4.15 The Council appoints the Programme Officer who is the point of contact for the Inspector. The name of, and details for how to get in contact with, the inspector will be published on the Council's website. A notice detailing the time and place of the examination and pre-hearing meeting (if necessary) will be published on the Council's website.

4.16 Examinations are not required for SPDs or this Statement of Community Involvement.

Adoption

4.17 Following receipt of the Inspector's report the Council will make the necessary changes to the document and then adopt the document together with its Sustainability Appraisal. In most circumstances the Inspector will recommend adoption subject to main modifications necessary to make the plan sound and legally compliant. Any such main

modifications will require a full public consultation which will be advertised and the document made available at the Council offices. It will also be published on the Council's website.

SPDs and Neighbourhood Plans

4.18 Supplementary Planning Documents (including AAPs) must accord with a separate part of the Town and Country Planning (General) regulations 2012 to DPDs (regulations 12 to 15). Neighbourhood Plans are prepared in accordance with regulations 14 to 20 of the Neighbourhood Planning (General) Regulations 2012. The differences for the purposes of community involvement are set out in the following table:

	Local Plans, Development Plan Documents	Supplementary Planning Documents	Neighbourhood Plans
Preparation and Duty-to- Cooperate	Information gathering to update social, environmental and economic matters. Early consultation on the broad subject of the DPD. The LPA must undertake the DTC and maintain an SOCG on strategic cross boundary matters.	Information gathering to update social, environmental and economic matters. The duty-to-cooperate does not apply to non-strategic plans.	Evidence gathering and public participation is at the discretion of the Neighbourhood Plan group. The duty-to-cooperate does not apply to non-strategic plans.
Draft Consultation	6 week public consultation Sustainability Appraisal required.	4-6 week public consultation. Sustainability Appraisal not required. This stage is optional.	6 week public consultation carried out by qualifying body. Sustainability Appraisal may be required in very limited circumstances.
Publication Draft Consultation	6 week public consultation.	4-6 week public consultation.	6 week public consultation. SEA and HRA screening is required.
Examination	Secretary of State will appoint an Inspector who will carry out an examination into the soundness of the Plan.	No examination is required.	An examiner, who is appointed by the LPA in with agreement with the qualifying body, will determine if the Neighbourhood Plan meets the Basic Conditions.

			This is likely to be conducted through written representations rather than public hearings.
Referendum	No referendum required.	No referendum required.	Following receipt of examiner's report, the LPA must make a decision on whether the Plan can proceed to referendum in accordance to regulation 18 as soon as possible.
Adoption	Following receipt of Inspector's report and the recommended changes to make the plan sound, the Council may choose to adopt it in line with regulation 25 and 26.	Following the preparation of a consultation statement and adoption statement, an SPD can be adopted by the LPA in line with regulation 14.	If the Neighbourhood plan referendum receives a simple majority in favour, the LPA can adopt the Plan update.

5. Community Involvement in the Local Plan

5.1 NPPF paragraph 16 states that plans should ‘be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; [and] be accessible through the use of digital tools to assist public involvement and policy presentation;’

5.2 The Council intends to maintain a process of ongoing community involvement and early involvement in the preparation of each document, so that the community have had a chance to influence local policy decisions that are made. The Council will 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 updated.

5.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the minimum requirements for public participation in the preparation of a DPD. It is proposed to go beyond these requirements.

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 enable effective community involvement.

5.5 The following table sets out the methods and activities the Council 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.

Consultation Method/Activity	How it will be used
Council’s Website	<ul style="list-style-type: none">• Council’s website – www.braintree.gov.uk• Publication of DPDs through the Council’s Consultation Portal - braintree-consult.limehouse.co.uk/portal• Host information on the timescales and progress of the Local Plan.• Viewing and downloading of Local Plan documents.• Information on the Examination in Public (where applicable) including location and time of hearings, matter statements, and correspondence from the Inspector.
Social Media	<ul style="list-style-type: none">• BDC corporate social media presence on Facebook, Twitter and Instagram
Press Release	<ul style="list-style-type: none">• Issuing new releases to the local media at key stages in the plan-making process.
Posters, leaflets and displays in public locations	<ul style="list-style-type: none">• Can be used to summarise detailed information and capture a wider audience.• Leaflets and flyers could be distributed in public places.

	<ul style="list-style-type: none"> • Posters, leaflets and forms could be circulated to Parish/Town Councils for local community boards and deposit at village halls or local libraries.
Council Meetings	<ul style="list-style-type: none"> • Where appropriate feedback from Councillors will be sought by taking the documents to relevant committee meetings.
Public Exhibitions, workshops and Roadshows	<ul style="list-style-type: none"> • Either unstaffed exhibitions in accessible public places e.g. libraries, council offices or staffed events at town and village public halls and other venues. • Participatory methods could be used to record comments however majority of comments are expected to be submitted on a proforma or online. • The Council have a duty to safeguard vulnerable adults and ensure they have regard to the welfare of children at events.
Public Meetings	<ul style="list-style-type: none"> • An opportunity for face to face discussion. • It will remain the responsibility of the individual, group or organisation to submit written comments after the meeting. • The Council have a duty to safeguard vulnerable adults and ensure they have regard to the welfare of children at this event.
Questionnaires	<ul style="list-style-type: none"> • Can be sent by post or email to large numbers of people. Useful in gauging opinion on specific issues.
Site notices	<ul style="list-style-type: none"> • Used to promote the consultation process and reach individuals or groups who are not on the Council's planning policy mailing list. • This method can be used to notify residents about proposed development land allocations.
Workshops	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Documents will be put on deposit at the Council offices and will be available for inspection during normal office hours. • Deposits may also be made in public libraries. • Documents will be available online at all times.

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 Plan. These lists are not exhaustive and also relate to successor bodies where re-organisations occur.

6.2 Regulation 18 (2) of the *Town and Country Planning (Local Planning) (England) Regulations 2012* (as amended) state that the local planning authority must notify and invite to make representations on the Local Plan, the following bodies:

(a) specific consultation bodies (statutory consultees)

- Historic England
- Environment Agency
- Highways England
- Homes England
- Natural England
- Network Rail
- Mid Essex Clinical Commissioning Group
- Essex Police
- Essex County Council

Relevant authorities adjacent to the district:

- Babergh and Mid Suffolk DCs, Colchester BC, Maldon DC, Chelmsford CC, Uttlesford DC, South Cambridgeshire DC, West Suffolk DC, Cambridgeshire CC, Suffolk CC.
- Town and Parish Councils
- Telecommunications companies
- Electricity and gas companies
- Sewerage and water companies

(b) general consultation bodies

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:

- Residents and tenants groups
- Registered social landlords
- Wildlife groups
- Environmental organisations
- Historical/Archeological organisations
- Sports organisations
- Arts organisations
- Citizens advice bureau
- Town and village societies and associations
- Local amenity societies

Special interest groups:

- Disability groups
- Older peoples groups
- Youth groups
- Mental health groups
- Local trusts
- Ethnic minority organisations
- Faith groups and churches
- Local trusts
- Gay, lesbian and transgender groups
- Gypsies and travelers
- Showman's Guild

Other Bodies:

- Schools, colleges and other education and training providers
- Developers and planning consultants/agents
- Health organisations
- Environmental groups
- Rail and bus groups
- Community transport providers
- House builders
- Housing Associations
- Sport and cultural organisations
- Essex Fire and Rescue
- East of England Ambulance Service
- Local branches of professional institutions

(c) residents or other persons carrying on business

Subject to change, these may include:

Business Groups:

- Chambers of trade and commerce
- Town centre strategy groups
- Business groups
- Landowner and farming organisations
- Haven Gateway
- South East Local Enterprise Partnership (SELEP)

Others:

- Anyone that has previously made a representation on the Local Plan (and have not opted out)
- Anyone who has asked to be placed on the Council's planning policy mailing list.

Voluntary Sector Involvement

6.3 The Council will consult with the voluntary and community sector on proposals that may have a significant effect on their services. The Council will make documents available to view prior to the statutory consultation period but this may not always be possible.

Consultation with hard to reach groups

6.4 The Council will make efforts to include the views of people with sensory, physical and learning disabilities.

6.5 Some parts of the community are often less involved in the planning process, for example, hard to reach groups including young people, older people, people with disabilities and ethnic minorities. Positive action will be taken to ensure that they have the opportunity to participate by following these basic principles in consulting with hard to reach groups:

- Documents are as clear, concise and understandable as possible;
- Hold meetings and exhibitions in accessible locations suitable for people with disabilities.
- Accessible locations by public transport and locations within the more rural parts of the District.

6.6 Where people are invited to attend a consultation events in a specific place we will:

- Make sure the venue is accessible,
- Offer a range of contact methods,
- Offer assistance in completing written consultations documents; and
- Be sensitive to the cultural needs of the people we are talking to.

The Duty to Co-operate

6.7 The *Localism Act 2011* and NPPF places a duty on LPAs and other prescribed bodies to cooperate with each other to address strategic matters that cross administrative boundaries. Whilst the Council has always consulted with neighbouring District and County Councils, this has added a formal duty to engage constructively, actively and on an ongoing basis in the preparation of the Local Plan and on strategic matters such as infrastructure. The Council's compliance with the duty to cooperate will be demonstrated through Statements of Common Ground which will be published on the Council's website.

Feedback and respond to Consultation Results

6.8 All representations on DPDs will be made available to view online. Comments can be made through the Council's consultation portal, by post or email. Written comments will be transcribed onto the consultation portal.

6.9 After the consultation has concluded, all representations will be published on the Council's website. Representations will be reviewed by officers and reported to the relevant committee. The report will summarise the representations received, provide officer comment on the matters raised, make recommendations with reasons, and be used to inform future stages of plan preparation. The report and minutes of these meetings will be made available online.

Data Protection

6.10 In compliance with the General Data Protection Act (GDPR), the following actions will be undertaken:

6.11 The details of anyone who makes a representation to the Council will be held on a database in order to undertake its statutory tasks. A mailing list will also be created featuring only individuals, groups or businesses who have opted in. The names and organisation of any member of the public making a representation will be published alongside their representation as these are required to be made a matter of public record. All other personal details will be redacted.

6.12 A Privacy Notice will be provided at the time of collecting the data. No personal respondent data will be shared with partners or any other third parties, and will be disposed of once it is no longer needed. Acknowledgement by e-mail or letter will be also sent to representations and to provide further information.

Regarding the use of data for Public Examination:

6.13 All DPDs submitted to the Secretary of State will be accompanied by a Consultation Statement which sets out compliance with the SCI in the preparation of the document, the main issues raised and how these have been addressed. A duty to cooperate statement will also be prepared to demonstrate how the LPA has complied with the duty in the preparation of the DPD. As required by legislation, all those on our mailing list will be notified by letter or e-mail when documents are submitted to the Secretary of State for consideration, when the Inspector's main modifications is published (if required) and when a document is adopted.

7. Development Management

Introduction

7.1 In order to carry out development or works to a listed building in the Braintree District, permission to do so must be granted by the Local Planning Authority through a formal application process. 'Development' has a legal definition, but in summary it means that planning permission is usually required for:

- Building new structures
- Changing the use of existing structures or land; and
- Making extensions/modifications that aren't covered by permitted development rights.

7.2 The exception to this is where certain types of development which Government legislation allows to be carried out without the need to obtain planning permission from the Local Planning Authority. These rights are commonly referred to as 'Permitted Development' rights. Government guidance on what requires planning permission and what can be undertaken under permitted development rights can be found online (www.gov.uk, www.planningportal.co.uk, or www.braintree.gov.uk).

7.3 Braintree District Council is the Local Planning Authority for the Braintree District. The Local Planning Authority processes thousands of applications each year. Applications vary in scale from householder applications to extend an existing dwelling, to large scale major developments for residential or commercial development.

7.4 For most people, their main contact with the planning system is through the planning application process, either as an applicant, or as a resident who may be affected by a particular planning proposal.

7.5 This section of the Statement of Community Involvement sets out the approach which will be taken by the Local Planning Authority to involve the community in the planning application process.

Pre-Application Process

7.6 The National Planning Policy Framework (NPPF) sets out the Governments expectation that Local Planning Authorities should approach decisions on proposed development in a positive and proactive way, working with Applicants to secure developments that will improve the economic, social and environmental conditions of the area. The NPPF also states that Local Planning Authorities should seek to approve applications for sustainable development where possible.

7.7 The NPPF highlights the importance of pre-application engagement and states that a Local Planning Authority should encourage Applicants to engage in pre-application discussions prior to submitting a formal application for consideration.

7.8 The Local Planning Authority operates a comprehensive chargeable pre-application process for Applicants for all scales of planning proposals, from householder extensions, proposed works to listed buildings, to minor and major residential and commercial development. Details of this service are available on the Council's website (www.braintree.gov.uk/preapp).

- Enabling local concerns and objections to be identified early in the process, and providing an opportunity for these to be addressed;
- Raising awareness and ensuring that local communities are provided with accurate information on proposed developments;
- Provide an opportunity for the community to discuss proposals with the applicant;
- Potentially avoiding the need to revise proposals later in the application process;
- Assisting with the submission of better quality planning applications

7.9 It is recognised that the level of engagement needs to be proportionate to the nature and scale of a 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 engage with the process. Applicants proposing to submit an application to extend or undertake alterations to their property are strongly encouraged to discuss their proposals with any adjoining properties who could be affected by the proposals. This assists in identifying potential issues early on and can assist the planning application process, as this provides an opportunity to address concerns and objections from adjoining properties before an application is submitted for consideration.

7.10 Applications for new residential or commercial development should be subject to wider community engagement. The scale of this engagement would be relative to the proposed development. The list below is not exhaustive, but outlines some of the consultation measures which should be considered by Applicants to ensure meaningful engagement with the local community is undertaken:

- Consultation with the Parish/Town Council
- Consultation with the Neighbourhood Plan Group (if applicable)
- Leaflet mail drop to adjoining properties outlining the proposed development and how residents can submit feedback
- Publicise proposals via a website and/or through the local press, social media and flyers and provide a mechanism for residents to be able to submit feedback
- Public meeting / Local exhibition in an accessible venue (accessible for disabled persons and for all members of the community) within the locality of the proposed development, for residents to view the proposals, ask questions and submit feedback
- Workshops with different groups (local residents and interest groups) to discuss proposals

7.11 The Local Planning Authorities list of Local Validation Requirements set out when a Statement of Community Involvement is required to accompany a formal application submission, to evidence and outline the consultation undertaken with the wider community.

Publicity of Applications

7.12 There are legal requirements for the publicity of applications. For the majority of applications the Local Planning Authority exceed the minimum legal requirements.

7.13 The tables below set out the consultations and range of publicity which the Local Planning Authority will carry out to ensure a thorough and meaningful consultation process to provide the community with an opportunity to engage in the planning process and comment on proposals.

Table 7.1 Applications for Major Development

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice OR letter to adjoining property • Newspaper publication • Website
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa

Table 7.2 Applications accompanied by an Environmental Impact Assessment (EIA)

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice • Newspaper publication • Website
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa <p>NB) For any current application which is accompanied by an EIA, a printed copy of the Environmental Statement is available at the Council Offices at Causeway House, Bocking End, Braintree, Essex, CM7 9HB for public inspection during opening hours.</p>

Table 7.3 Applications which represents a Departure from the Development Plan

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice • Newspaper publication • Website
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa

Table 7.4 Applications affecting a Public Right of Way (PROW)

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice • Newspaper publication • Website
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa

Table 7.5 Applications for:
Minor Development
Householder Development
Change of Use
Applications for Variation or Removal of Condition(s) attached to a previous consent

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice OR letter to adjoining property • Newspaper Publication ONLY where proposal affects the character and appearance of a Conservation Area or Listed Building • Website
---	--

LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper Publication ONLY where proposal affects the character and appearance of a Conservation Area or Listed Building • Website: www.braintree.gov.uk/pa
-----------------------------	---

Table 7.6 Listed Building Consent

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice • Newspaper publication • Website
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Newspaper publication • Website: www.braintree.gov.uk/pa

Table 7.7 Householder Prior Approval Applications

Legal Requirement for consultation	<ul style="list-style-type: none"> • Letter to adjoining property
LPA SCI Consultation	<ul style="list-style-type: none"> • Letter to adjoining property • Website: www.braintree.gov.uk/pa

Table 7.8 All Other Prior Approval Applications

Legal Requirement for consultation	<ul style="list-style-type: none"> • Site notice OR letter to adjoining property
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Website: www.braintree.gov.uk/pa

**Table 7.9 Applications for:
Advertisement Consent
Discharge of Conditions (DAC)
Non-Material Amendments (NMA)
Certificate of Lawful Use or Development (Existing and Proposed)**

Legal Requirement for consultation	<ul style="list-style-type: none"> • None
LPA SCI Consultation	<ul style="list-style-type: none"> • Site Notice AND letter to adjoining property ONLY for applications for Certificates of Lawfulness for an Existing Use or Development where deemed appropriate by the Case Officer • Website: www.braintree.gov.uk/pa

Table 7.10 Works to Protected Trees (subject to a TPO)

Legal Requirement for consultation	<ul style="list-style-type: none"> • None
LPA SCI Consultation	<ul style="list-style-type: none"> • Site notice AND letter to adjoining property • Website: www.braintree.gov.uk/pa

Table 7.11 Works to Trees within a Conservation Area

Legal Requirement for consultation	<ul style="list-style-type: none"> • None
LPA SCI Consultation	<ul style="list-style-type: none"> • Website: www.braintree.gov.uk/pa

Site Notices

7.14 Site notices are required to be displayed on or adjoining the application site on an appropriate structure such as a telegraph pole, street light, or fence/wall/gate so they are viewable from a public vantage point. The site notice(s) will be displayed by a Planning Officer or a Council Officer who will determine the most appropriate position for the site notice(s). The site notice will provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.

Letters to Adjoining Properties (Notification Letters)

7.15 Where indicated within the tables above, the Local Planning Authority will send letters to adjoining properties to notify the owners/occupiers that an application has been submitted for consideration. The notification letters provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.

7.16 In some cases, residents may feel they could be affected by a proposal and/or wish to make representations on an application but have not received a notification letter from the Local Planning Authority. The extent of letter coverage will be relative to the scale and nature of the proposal so in some cases not all residents will receive a notification letter. However, if an owner/occupier has not received a notification letter they are still able to submit representations on the application.

Newspaper Publication

7.17 Where indicated within the tables above, the Local Planning Authority will publish a notice of applications in a newspaper circulating in the locality in which the land to which the application relates is situated. The notice will provide details of the application submission, advise how to view the proposals online via the Council's Public Access website and how to submit comments and representations on the application and the timescales for doing so.

How to View and Comment of Applications

7.18 All current applications are available to view on the Council's Public Access website (www.braintree.gov.uk/pa). The system provides access to the submitted plans, supporting documents, and any representations or consultations responses received. You can also search for past applications and appeals (from 1990), and planning enforcement history. For those who do not have access to the internet, access to the Council's Public Access website is available at the Council's offices, at Causeway House, Bocking End, Braintree, Essex, CM7 9HB, during opening hours.

7.19 In addition to searching for specific applications, you can create your own account on Public Access and specify criteria for receiving alerts and notifications of applications.

7.20 Representations to an application can be made online via the Council's Public Access website (www.braintree.gov.uk/pa). In order to submit a representation it is necessary to complete a short registration process. Once registered you will be able to make your comments as well as tracking the application until this has been determined. Further guidance on this can be found online via our website (www.braintree.gov.uk/pa1).

7.21 Representations can also be submitted in writing to the Local Planning Authority quoting the relevant application number addressed to: Development Management, Braintree District Council, Causeway House, Bocking End, Braintree, Essex, CM7 9HB

7.22 All representations received in connection with applications will be available for public inspection and viewable on the Council's Public Access website (www.braintree.gov.uk/pa) within three weeks of receipt. Anonymous representations cannot be taken into account and will not be posted on the website. The name and address of anyone submitting a representation will be published, but in accordance with the Data Protection Act, telephone numbers and e-mail addresses will be removed. Anyone submitting representations should ensure that they do not include personal details within their representation, such as e-mail addresses or telephone numbers. In some cases representations may also need to be redacted to remove sensitive information. Please make sure that your comments are relevant, because you remain personally and legally responsible for them. The Local Planning Authority reserves the right not to publish or redact any comments which in its judgement are libellous, offensive, defamatory, threatening, abusive, or contravenes the provisions of the Equality Act 2010 or any other legislation.

7.23 When considering representations received in connection with applications, the Local Planning Authority can only take into account material planning considerations, which may include:

- Local, strategic and national planning policies
- The design of the proposed development
- The distance between the development and neighbouring property, particularly if the distance is unclear on the plans
- Highway issues: traffic generation, vehicular access, highway/pedestrian safety
- The effect on the amenity of neighbouring premises (e.g. impact such as overlooking, overbearing, overshadowing, loss of natural light, noise, smell, fumes)
- The impact upon trees/ecology, heritage assets, or the historic environment
- Capacity of physical infrastructure and social facilities
- Previous appeal decisions

7.24 The Local Planning Authority cannot take into account representations which raise non-material planning considerations, which may include:

- Effect on property value
- Loss of a view
- Boundary disputes, private covenants or private interests
- Suspicion about future intentions
- The personal circumstances of the applicant

7.25 The Local Planning Authority will not generally enter into correspondence with anyone who has submitted representations on an application once the comments have been submitted. Any representations received will be considered by the Local Planning Authority and taken into account in the assessment of the application.

7.26 The Local Planning Authority will notify anyone who has submitted representations on an application where:

- The application is due to be referred to the Council's Planning Committee for determination (see How Applications are Determined below for further information); and

- The application has been determined and a decision has been issued to the applicant/agent. Anyone who has submitted representations on the application will be notified of the outcome of the application. A copy of the decision notice and either the Delegated or Committee Report will also be published on the Council's Public Access website (www.braintree.gov.uk/pa).

7.27 The Local Planning Authority may also notify anyone who has submitted representations on an application where:

- Revised/Additional Plans/Supporting Documentation have been submitted by the applicant/agent and where the Local Planning Authority has accepted this information. The decision on whether to undertake further consultation on any revised or additional plans/supporting documentation will depend on the nature, scale and significance of this information. Where in its judgement the Local Planning Authority considers it necessary to undertake further consultation, the length of any re-consultation (i.e. whether to re-consult for 21, 14 or 7 days) will also depend on this factor.

How Applications are Determined

7.28 The Council's Scheme of Delegation sets out who can determine applications. In accordance with the Scheme of Delegation the majority of applications are determined under Delegated Powers by Officers.

7.29 Applications, which meet the specific criteria with the Council's Scheme of Delegation, are referred to the Council's Planning Committee for determination (where the elected Councillors on the Planning Committee will make the final decision). When an application has been scheduled to be referred to the Planning Committee, the Local Planning Authority will write to notify anyone who has submitted representations to advise of the date and venue of the Planning Committee and how to register to speak at the Committee meeting during public question time session. Members of the public who have not made a representation to an application can also register to speak on a planning application. Further information on registering to speak at a Planning Committee is available on the Council's website (https://www.braintree.gov.uk/info/200141/committees_and_meetings/102/attending_committee_meetings).

7.30 Planning Committee meetings are scheduled to take place throughout the year. A schedule of dates for Planning Committee are published on the Council's website along with agenda papers and minutes of previous meetings (https://braintree.cmis.uk.com/braintree/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/5/Default.aspx).

7.31 The Planning Committee are public meetings and members of the public are welcome to attend. The Planning Committee meetings are also webcast. Webcasts can be watched live or for up to 6 months after the meeting date (<https://braintree.public-tv/core/portal/home>).

Appeals

7.32 If an Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for an application or to grant it subject to conditions, or if the Local Planning Authority has not made a decision on the application within the required timescales, the applicant can appeal to the Secretary of State under Section 78 of the Town and Country

Planning Act 1990. Appeals can also be made against Planning Enforcement Notices issued by the Local Planning Authority. The Planning Inspector appointed by the Secretary of State will then be responsible for considering the appeal and deciding whether the appeal should be dismissed or allowed.

7.33 If the Local Planning Authority receives notification of an appeal, the Local Planning Authority will notify all interested parties (i.e. anyone who has submitted representations on the application) of the appeal details. The Local Planning Authority cannot advise on appeals and would recommend that independent legal advice is taken. The Council will also send the Planning Inspectorate copies of any comments received during the consultation on the planning application and it should be noted that the Planning Inspectorate will not accept any further written representations regarding Householder appeals. In the case of enforcement notices, the Council will also notify everyone who it thinks is affected about the appeal. When the Planning Inspectorate issue an appeal decision the Council will post the notice on the Public Access website. More information regarding the appeal process can be found on the Council's website (https://www.braintree.gov.uk/info/200228/planning_information/210/planning_appeals).

7.34 There is no third party right of appeal against the decision of the Local Planning Authority, but the legality of decisions made by the Local Planning Authority can be challenged through Judicial Review. A Judicial Review is a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. There are strict time limits for Judicial Review. The Local Planning Authority cannot advise on Judicial Review and would recommend that independent legal advice is taken.

Planning Enforcement

7.35 A breach of planning control occurs when:

- Development is carried out without the required planning permission;
- Works to a listed building is carried out with the required listed building consent; or
- There is a failure to comply with a condition or limitation attached to an approved application

7.36 The Local Planning Authority has powers to investigate breaches of planning control. Before taking action the Council will determine whether it is expedient to use its powers. The Local Planning Authority is not under a duty to investigate a complaint or to take specific action.

7.37 Information on how the Local Planning Authority undertakes its Planning Enforcement function can be found in our published Enforcement Plan (https://www.braintree.gov.uk/downloads/download/1259/planning_enforcement_plan). This explains how the Local Planning Authority will investigate alleged breaches of planning control, how the Planning Enforcement Team will prioritise investigations, our staged approach to taking enforcement action, and when we will inform residents of the outcome of an investigation.

7.38 Alleged breaches of planning control can be reported by completing the online enquiry form on the Council's website (https://www.braintree.gov.uk/forms/form/526/en/enforcement_complaint_form) or by contacting the Planning Enforcement Team (https://www.braintree.gov.uk/info/200125/planning_and_building/292/planning_enforcement/2).

8. Monitoring and Review

8.1 Changes to national legislation, regulations and policies on the preparation of SCIs, DPDs, SPDs and Neighbourhood Plans will be monitored and any significant changes may require a review of this document. The SCI will need to be compliant with any legal requirements for the processing of data or changes to anti-discrimination laws, and respond to changes in corporate policy.

8.2 The database of people and organisations to be consulted will be kept up-to-date and managed to comply with Data Protection Legislation.

8.3 The community involvement process will be kept under review, as measured through comments, customer satisfaction surveys, complaints and consultation feedback, to ensure that they are effective. This SCI will be reviewed no later than five years after adoption as required by the Town and Country Planning Regulations 2017.

9. Glossary

Term Used	Explanation
Authorities Monitoring Report (AMR)	Sets out the principal characteristics of the District, assesses progress in preparing Local Development Documents and monitors progress in housing, employment and other development.
Development Plan Document (DPD)	Spatial Planning Document that are subject to independent examination. This includes the Local Plan and Policies Map.
Duty to Cooperate (DTC)	Requirement to cooperate with relevant authorities and other bodies on the preparation of policies that address strategic planning matters.
Local Development Scheme (LDS)	This sets out the programme for the preparation of DPDs and SPDs.
Major Planning Applications	A housing site 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.
National Planning Policy Framework (NPPF)	Sets out Government's planning policies for England and how these are expected to be applied.
National Planning Policy Guidance (NPPG)	Supports the NPPF; the guidance is published online and regularly updated.
Supplementary Planning Document (SPD)	These documents are supplementary to the Development Plan and are used to provide additional detail as deemed necessary.
Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA)	Assessments required by European and national law into how the plan will impact on the District's environment in the long term and contribute towards sustainable development.

APPENDIX B

Consultee	Summary of Comment	Response
Mr Mark East 3 The Plan Making Process	Is it appropriate under NDP pages 16 and 17 to include assistance in providing indicative number of dwellings required in NDP area (see NPPF 2 65 and 66).	Agreed, paragraph 3.18 has been added to the SCI outlining the assistance that would become available.
Mr Mark East 4 Stages in Preparation of Development Plan Documents, Supplementary Planning Documents and Neighbourhood Plans.	4.17 Whilst acknowledging this falls under heading of Public Examination it should be clear that this isn't to be confused with independent examination of NDP's.	Agreed, reference to Neighbourhood Plans is deleted from paragraph 4.17.
Mr Mark East	It would be helpful to have some tangible targets in time scales for each stage of the process page 17 (A Charter on performance standards).	<p>Paras 3.16 - 3.18, including the table sets out the assistance to be provided to Neighbourhood Development Plan (NP) preparation in accordance to an agreed statement. The table sets out various stages of NP production</p> <p>Work on neighbourhood plans progress is at the pace determined by the Neighbourhood plan group for most of the stages outlined in the table. Some other stages have deadlines set out in the Neighbourhood Planning Regulations 2012.</p>
Historic England Stat Consultee (Historic England)	As a result of the number of consultations we are currently receiving, we regret that we are unable to comment specifically at this time.	Noted, no changes needed

Consultee	Summary of Comment	Response
Chelmsford City Council (Mr Jeremy Potter)	<p>Thank you for consulting Chelmsford City Council (CCC) on the Draft Statement of Community Involvement (SCI). This Council considers that the draft is generally clear and comprehensive.</p> <p>The consultation methods proposed are supported by CCC.</p> <p>This Council notes the recognition that as part of the statutory Duty to Cooperate, neighbouring councils and other relevant organisations must work together on strategic planning issues that affect them all as outlined in the Regulations and notes Braintree's commitment to demonstrate compliance with the duty to cooperate through Statements of Common Ground. This will continue to be supported by Chelmsford.</p> <p>As a general point, paragraph 4.17 could be misleading as it states 'examinations are not required for Neighbourhood Plans' which conflicts with the previous section of the SCI and the table under para 4.19. It is suggested that this is made clearer that neighbourhood plans do go through a process of examination, but these are more likely to be conducted through exchange of written representations rather than hearings.</p> <p>The Council notes the new referencing to Neighbourhood Plans and support offered in preparing new neighbourhood plans.</p> <p>Chelmsford City Council will continue to actively engage with Braintree District Council on each other's respective Local Plans.</p>	<p>Agreed, reference to Neighbourhood Plans is deleted from paragraph 4.17.</p> <p>The table under paragraph 4.18 has been updated to describe the neighbourhood plan examination process.</p>
F Coulson	<p>Many people moved to the area to join a rural community and this is already severely diminished. Other groups such as the BHS and Essex Riders could be consulted as well as the broader populous. As a rider and dog walker I have a particular concern over the effects on country life and people's enjoyment of any amenity. A great number of bridleways were destroyed in previous developments (A120 .etc) cut in half so as to be inaccessible and the horse bridges are terrifying to cross, but at least preserved some access, yet now the Flitch Way is under threat which is a huge amenity (though not as good as real countryside) for many interest groups -riders, walkers, runners cyclists and many families with children and dogs.</p> <p>The Council should build within village or town confines and not swallow up the edges of those developments as in Cressing -or as between Rayne and</p>	<p>Concerns regarding greenfield development are noted however are not relevant for this SCI and no changes have been identified.</p> <p>The Essex bridleways association is a consultee for Major applications.</p>

Consultee	Summary of Comment	Response
	Braintree, nor should they destroy greenfield sites when there are plenty of brownfield sites available which of course developers are less keen on as they take a little more effort and cost.	
Mr & Mrs M Rayner	This is all very interesting but although you like to be seen to involve the public, you don't take on board their concerns or opinions so what's the point? You've told us you don't have the money to fight developers and the Government expect you to meet their building targets. It's all very depressing when you live in an area being over developed. Do you?	Comments are noted however they are not relevant to the SCI and no changes have been identified.
Transport for London (Mr Richard Carr)	Thank you for consulting Transport for London (TfL). I can confirm that TfL has no comments to make on the revised SCI	Noted, no changes needed
Tendring District Council (Planning Policy Manager)	With regard to paragraph 2.4, Braintree District Council (BDC) is of course aware that the Government published a revised version of the National Planning Policy Framework (NPPF) on the 19th February 2019. Whilst this document was published part-way through the consultation on the emerging SCI, your Council will need to ensure that their emerging document complies with this new national planning guidance.	Noted, relevant changes have been made to update the SCI to reflect the latest legislation and regulations for Local and Neighbourhood Plans.
Tendring District Council (Planning Policy Manager)	In the table below paragraph 5.5 there is a typo in the last paragraph first bullet point. This states 'office houses' it should read 'office hours'.	Noted, correction made
Tendring District Council (Planning Policy Manager)	In the table below paragraph 6.2 we consider that Tendring District Council should be mentioned specifically on this page	Noted, changes made to specifically consult Tendring DC
Tendring District Council (Planning Policy Manager)	Paragraph 3.4 – As you are well aware, Tendring, Colchester and Braintree Councils are working together on a joint strategic Local Plan. Whilst this is mentioned within the emerging SCI, it is considered that greater detail as to the stage the three Councils have reached and what more work is required should be included.	Paragraph 3.4 will need to be updated at the time of adoption.
Kelvedon & Feering Heritage Society Chairman (Mr Chris Papworth)	Our Chairman has asked me to respond to the (SCI) consultation. We welcome the opportunity to be consulted on Heritage/Historic issues because we feel local knowledge is invaluable in these days when so many consultancies are used.	Noted, no changes needed

Consultee	Summary of Comment	Response
Little Yeldham Ovington & Tilbury Juxta Clare and Ovington (Mr Adrian Corder-Birch) 7 Planning Applications	<p>Pre-Application Stage section 7.6</p> <p>Please add Town/Parish Council engagement to the Suggested consultation methods for Minor and householder applications</p>	<p>Noted, no change needed.</p> <p>Town and Parish Councils are currently notified of all householder and minor applications.</p>
Hatfield Peverel Parish Council (Mrs Sarah Gaeta) 7 Planning Applications	<p>Pre-application stage and application stage pages 30 & 31</p> <p>Should Essex Police Designing Out Crime Officers be consulted regarding both residential and commercial developments by developers and BDC?</p>	<p>The Essex police consultation response has not raised any issues with the current arrangement.</p>
Hatfield Peverel Parish Council (Mrs Sarah Gaeta) 7 Planning Applications	<p>Publicity and consultation process should still include site notices and letters to neighbours as well as electronically. Not everyone has access to the internet.</p>	<p>Addition of "Site notices" to Major applications and minor and householder applications.</p> <p>Agree, tables 7.1 to 7.11 describe the use of a site notice and a letter in major and minor applications.</p>
Hatfield Peverel Parish Council (Mrs Sarah Gaeta) 3 The Plan Making Process	<p>3. Plan Making Progress</p> <p>NDP pages 16 & 17</p> <p>Should timelines be given and adhered to by BDC for each stage of the process?</p>	<p>Paras 3.16 & 3.17, including the table sets out the assistance to be provided to Neighbourhood Development Plan (NP) preparation in accordance to an agreed statement. The table sets out various stages of NP production</p> <p>Work on neighbourhood plans progress is at the pace determined by the Neighbourhood plan group for</p>

Consultee	Summary of Comment	Response
		most of the stages outlined in the table. Some other stages have deadlines set out in the Neighbourhood Planning Regulations 2012.
Essex Police (Mr Stephen Armson-Smith)	<p>We are pleased to be shown as a statutory Consultee to make representation on the Local Plan.</p> <p>The Essex Police Designing out Crime Department work closely with our colleagues within the Eastern Region and attached below is an example from East Hert's Council of the Crime and Security part of their adopted Local Plan designed to assist in providing a safe and secure built environment within their district.</p>	Noted, no changes needed
Natural England (Natural England)	<p><u>Consultation on Statement of Community Involvement for Braintree District Council</u></p> <p>Thank you for your consultation on the above dated 28 January 2019 which was received by Natural England on 28 January 2019.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.</p> <p>We regret we are unable to comment, in detail, on individual Statements of Community Involvement but information on the planning service we offer, including advice on how to consult us, can be found at: https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals.</p>	Noted, no changes needed

Consultee	Summary of Comment	Response
	<p>We now ask that all planning consultations are sent electronically to the central hub for our planning and development advisory service at the following address: consultations@naturalengland.org.uk. This system enables us to deliver the most efficient and effective service to our customers.</p>	

Equality Impact Assessment

Basic



This basic impact assessment is an initial screening process to help identify if a full Equality Impact Assessment is required and, if it isn't, to record the reasons why.

It considers positive, negative or no impact on each of the 9 protected characteristics in relation to addressing the 3 aims of the Equality Duty that we as a public body must give due regard to;

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Directorate

Sustainable Development

Service

Planning Policy

Title of policy, strategy, project or service

Statement of Community Involvement

Is the policy, strategy, project or service;

Existing

☐

New/proposed

☐

Changed/Reviewed

☒ x

Q 1. Aim of the policy, strategy, project or service

The SCI sets out how communities and stakeholders will be consulted for Local Plan documents and related documents.

Q 2. Who is this policy, strategy, project or service going to benefit or have a detrimental impact on & how?

The SCI will benefit individuals with protected characteristics by promising to engage and consult, when appropriate, special interest groups and the voluntary sector. The Council also promises to make efforts to include the views of people with disabilities and hard to reach groups such as young people, old people, ethnic minorities and people with disabilities.

Q3. Is this policy, strategy, project or service aimed at one of the protected characteristics?
If so, what justification is there for this?

No. The SCI outlines how the Council will engage with all stakeholders.

Q 4. Thinking about each of the protected characteristics does or could the policy, strategy, project or service have a negative or positive impact?

Group	Negative	Positive/ No impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership (only in respect of eliminating unlawful discrimination).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer for any group is 'negative' or 'unclear' do a full EIA

Q5. Thinking about each of the protected characteristics does or could the policy, strategy, project or service help to support the 3 aims of the Equality Duty?

Group	Yes	No	Unclear
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership (only in respect of eliminating unlawful discrimination).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy & maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the answer for any group is 'no' do a full EIA

Q 6. What evidence has been used (e.g. data, feedback, consultation & engagement, surveys) that may influence the policy, strategy, project or service?

Group	Evidence
Age	Government legislation and national and local policy
Disability	Government legislation and national and local policy
Gender reassignment	Government legislation and national and local policy
Pregnancy & maternity	Government legislation and national and local policy
Race	Government legislation and national and local policy
Religion or belief	Government legislation and national and local policy
Sex	Government legislation and national and local policy
Sexual orientation	Government legislation and national and local policy

Q 7. Using the responses to questions 4 & 5 should a full EIA be carried out on this policy, strategy, project or service?

Yes

☐

No

☒

Provide your reasons for your response showing how you have considered due regard

No negative or unclear impacts have been identified.

Completed by (Print name):

Gary Sung

Signature :

Approved by Head of Service (print name):

Emma Goodings

Signature :

Date:

31/01/2020