



# LOCAL PLAN

## Statement of Community Involvement 2021

(Covid

19 Amendments  
are set out in red  
and will expire on  
the 31<sup>st</sup> December  
2021. Text in  
crossed through  
black will be then  
reinstated.)

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## 1 Background

- 1.1 This document is an update to reflect the current Covid-19 pandemic, and takes into account revised government guidance on public consultation published on the 13<sup>th</sup> May 2020, ~~an amendment to the Statement of Community Involvement (SCI) September 2013. It is the 5<sup>th</sup> iteration of the SCI.~~ This guidance has since been extended until the 31<sup>st</sup> December 2021.
- 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~~ new legislation (The Coronavirus Act 2020) and updated planning guidance which requires a review of the SCI to ensure plan making can continue. ~~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.

## 2 Consultation on draft revision of 6<sup>th</sup> iteration of the SCI

- 2.1 ~~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.~~ No public consultation has taken place for this version of the SCI, as the changes proposed are temporary until 31<sup>st</sup> December 2021. After that date the SCI will revert to its previous form with the exception of factual or regulatory updates.

### 3 Introduction

- 3.1 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?

- 3.2 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, [online](#) 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.
- 3.3 The National Planning Policy Framework (NPPF) (recently updated in February 2019) 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. 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.”*

- 3.4 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:

<b>Stage 1</b>	Regulation 18	Public participation in preparation of DPDs.
<b>Stage 2</b>	Regulation 19 + 20	Publication of a DPD and making representations (under regulation 20 consultation is 6 weeks).
<b>Stage 3</b>	Regulation 22	Submission of documents to Secretary of State.

<b>Stage 4</b>	Regulation 23 to 25	Examination process.
<b>Stage 5</b>	Regulation 26	Adoption of DPD.

## 4 The Plan Making Process

- 4.1 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

- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 There are a number of different types of planning documents that can be prepared as set out below.

### Local Development Scheme

- 4.7 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)**

- 4.8 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.
- 4.9 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.
- 4.10 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)**

- 4.11 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.
- 4.12 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.
- 4.13 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

- 4.14 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.
- 4.15 The *Neighbourhood Planning (General) Regulations 2012* (As amended) 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.
- 4.16 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
<b>Initial meeting(s)</b> <b>(Please note that these will be online meetings)</b>	Make a presentation about neighbourhood planning; Facilitate a community workshop to get people involved; Provide examples of publicity materials.
<b>Define the Neighbourhood Area</b>	Explain the application process; Advise on the boundaries and the suitability of the local group as a 'qualifying body'.
<b>Establish a steering group</b>	Chair initial meetings of volunteers; Advise on group structure; Provide example terms of reference; Provide training for group members.
<b>Prepare a project plan</b>	Advise on time plan and budget; Assist with funding applications.
<b>Community engagement</b>	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.
<b>Draft a vision and planning objectives</b>	Facilitate a visioning event; Provide example visions and planning objectives.



<b>Create an evidence base</b>	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.
<b>Prepare a draft plan</b>	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.
<b>Consult on the plan (pre submission consultation)</b>	Advise on the statutory consultation process; Advise on the preparation of the Consultation Statement and Basic Conditions Statement.
<b>Submit the Plan for Validation and Consultation</b>	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).
<b>Appoint examiner</b>	Work together on the appointment of the independent examiner.

- 4.17 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), however the Coronavirus (COVID-19): Planning Update means that primarily online publication is now an acceptable means of consultation. 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.
- 4.18 When it becomes possible to provide a requirement housing figure for a designated neighborhood plan area, i.e. though preparation of an NPPF 2019 compliant Local Plan, the LPA will provide such assistance during the creation of an evidence base.

- 4.19 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.
- 4.20 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.

## **5. Preparation of Development Plan Documents, Supplementary Planning Documents and Neighbourhood Plans.**

5.1 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.

5.2 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)**

5.3 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.

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

5.5 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.

5.6 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**

5.7 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.

- 5.8 The Council will publish the document electronically ~~and in paper form.~~
- 5.9 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.
- 5.10 Alternative options put forward by others will also be published and made available for inspection.

### **Regulation 19 + 20 Publication of a Local Plan**

- 5.11 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.
- 5.12 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.
- 5.13 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**

- 5.14 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.
- 5.14 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. Please note that the examination and pre-hearing meeting will be conducted online until further notice.
- 5.15 Examinations are not required for SPDs or this Statement of Community Involvement.

### **Adoption**

- 5.16 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 online. ~~at the Council offices. It will also be published on the Council's website.~~

### **SPDs and Neighbourhood Plans**

- 5.17 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.
- 5.18 On the 13<sup>th</sup> May 2020 updated guidance was published to indicate that it is not mandatory for copies of documents to be made available in a physical location.

5.19 The differences for the purposes of community involvement are set out in the following table:

	<b>Local Plans, Development Plan Documents</b>	<b>Supplementary Planning Documents</b>	<b>Neighbourhood Plans</b>
<b>Preparation and Duty-to- Co-operate</b>	<p>Information gathering to update social, environmental and economic matters.</p> <p>Early consultation on the broad subject of the DPD.</p> <p>The LPA must undertake the DTC and maintain an SOCG on strategic cross boundary matters.</p>	<p>Information gathering to update social, environmental and economic matters.</p> <p>The duty-to-cooperate does not apply to non-strategic plans.</p>	<p>Evidence gathering and public participation is at the discretion of the Neighbourhood Plan group.</p> <p>The duty-to-cooperate does not apply to non-strategic plans.</p>
<b>Draft Consultation</b>	<p>6 week public consultation</p> <p>Sustainability Appraisal required.</p>	<p>4-6 week public consultation.</p> <p>Sustainability Appraisal not required.</p> <p>This stage is optional.</p>	<p>6 week public consultation carried out by qualifying body.</p> <p>Sustainability Appraisal may be required in very limited circumstances.</p>
<b>Publication Draft Consultation</b>	<p>6 week public consultation.</p>	<p>4-6 week public consultation.</p>	<p>6 week public consultation.</p> <p>SEA and HRA screening is required.</p>
<b>Examination</b>	<p>Secretary of State will appoint an Inspector who will carry out an examination into the soundness of the Plan.</p>	<p>No examination is required.</p>	<p>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.</p> <p>This is likely to be conducted through written representations. <del>rather than public hearings.</del></p>

<b>Referendum</b>	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. <u><a href="#">The Coronavirus Bill has suspended elections and referendum until the 6<sup>th</sup> May 2021.</a></u>
<b>Adoption</b>	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. <u><a href="#">Changes to planning guidance on the 7<sup>th</sup> April 2020 set out that neighbourhood plans awaiting referendums can be given significant weight in decision making.</a></u>

## 6. Community Involvement in the Local Plan

- 6.1 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;’
- 6.2 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.
- 6.3 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

- 6.4 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.
- 6.5 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"><li>• Council’s website – <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a></li><li>• Publication of DPDs through the Council’s Consultation Portal - <a href="http://braintree-consult.limehouse.co.uk/portal">braintree-consult.limehouse.co.uk/portal</a></li><li>• Host information on the timescales and progress of the Local Plan.</li><li>• Viewing and downloading of Local Plan documents.</li><li>• Information on the Examination in Public (where applicable) including <del>location and</del> <a href="#">online arrangements</a>, time of hearings, matter statements, and correspondence from the Inspector.</li></ul>



<b>Social Media</b>	<ul style="list-style-type: none"> <li>BDC corporate social media presence on Facebook, Twitter and Instagram</li> </ul>
<b>Press Release</b>	<ul style="list-style-type: none"> <li>Issuing new releases to the local media at key stages in the plan-making process.</li> </ul>
<b>Posters, leaflets and displays in public locations</b>	<ul style="list-style-type: none"> <li>Can be used to summarise detailed information and capture a wider audience.</li> <li><del>Leaflets and flyers could be distributed in public places.</del></li> <li>Posters, leaflets and forms could be circulated to Parish/Town Councils for local community boards and deposit at village halls or local libraries.</li> </ul>
<b>Council Meetings</b>	<ul style="list-style-type: none"> <li>Where appropriate feedback from Councillors will be sought by taking the documents to relevant committee meetings.</li> </ul>
<b>Public Exhibitions, workshops and Roadshows</b>	<ul style="list-style-type: none"> <li><del>Either</del> Unstaffed exhibitions in accessible public places e.g. libraries, council offices <u>if open</u>, <del>or staffed events at town and village public halls and other venues.</del></li> <li><del>Participatory methods could be used to record comments however majority of comments</del> <u>comments should be</u> <del>are expected to be submitted on a proforma or online.</del></li> <li>The Council have a duty to safeguard vulnerable adults and ensure they have regard to the welfare of children at events, <u>however staffed exhibitions are currently suspended.</u></li> </ul>
<b>Public Meetings</b> <u>(To be conducted online)</u>	<ul style="list-style-type: none"> <li>An opportunity for face to face discussion.</li> <li>It will remain the responsibility of the individual, group or organisations to submit written comments after the meeting.</li> <li>The Council have a duty to safeguard vulnerable adults and ensure they have regard to the welfare of children at this event, <u>however staffed exhibitions are currently suspended.</u></li> </ul>
<b>Questionnaires</b>	<ul style="list-style-type: none"> <li>Can be sent by post or email to large numbers of people. Useful in gauging opinion on specific issues.</li> </ul>
<b>Site notices</b>	<ul style="list-style-type: none"> <li>Used to promote the consultation process and reach individuals or groups who are not on the Council's planning policy mailing list.</li> </ul>

	<ul style="list-style-type: none"> <li>• This method can be used to notify residents about proposed development land allocations.</li> </ul>
<b>Workshops</b> <u>(To be conducted online)</u>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Inspection points</b>	<ul style="list-style-type: none"> <li>• <del>Documents will be put on deposit at the Council offices and will be available for inspection during normal office hours.</del></li> <li>• <del>Deposits may also be made in public libraries.</del></li> <li>• Documents will be available online at all times.</li> <li>• <u>Documents can be viewed on an appointment basis with the parish council subject to conformity with Covid-19 procedures.</u></li> <li>• <u>Sending documents to a person who is unable to access the internet.</u></li> </ul>

## 7. Who is involved?

7.1 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.

7.2 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:

1) 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

2) general consultation bodies

The Council will seek to engage and consult, where appropriate, with the general public, the wider community, and 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
- Homelessness and hidden homeless groups or charities
- Local trusts
- Ethnic minority organisations
- Faith groups and churches
- Local trusts
- LGBT+
- 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

### 3) 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**

- 7.3 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**

- 7.4 The Council will make efforts to include the views of people with sensory, physical and learning disabilities.
- 7.5 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 **online** meetings and exhibitions **which are** ~~in accessible locations~~ suitable for people with disabilities.
  - ~~Accessible locations by public transport and locations within the more rural parts of the District.~~

~~7.6 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**

7.7 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**

- 7.8 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.
- 7.9 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**

- 7.10 In compliance with the General Data Protection Act (GDPR), the following actions will be undertaken:
- 7.11 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.

- 7.12 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:**

- 7.13 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 met 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.

## **8. Development Management**

### **Introduction**

8.1 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.

8.2 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](http://www.gov.uk), [www.planningportal.co.uk](http://www.planningportal.co.uk), or [www.braintree.gov.uk](http://www.braintree.gov.uk)).

8.3 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.

8.4 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.

8.5 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**

8.6 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.

- 8.7 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.
- 8.8 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](http://www.braintree.gov.uk/preapp)).
- 8.9 Pre-application advice benefits:
- 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; and
  - Assisting with the submission of better quality planning applications.
- 8.10 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.
- 8.11 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.

8.12 The Local Planning Authority's Government & Local Validation Requirements (Validation Checklist) sets out when a Statement of Community Involvement is required by the applicant to accompany a formal application submission, to evidence and outline the consultation undertaken with the wider community.

### **Publicity of Applications**

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

8.14 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**

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

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

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Site notice</li> <li>• Newspaper publication</li> <li>• Website</li> <li>• Consult Parish / Town Council</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Site notice AND letter to adjoining property</li> <li>• Newspaper publication</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Consult Parish / Town Council</li> </ul> <p><del>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.</del></p>

**Table 7.3 Applications which represents a Departure from the Development Plan**

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

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

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

**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**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Site notice OR letter to adjoining property</li> </ul>
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	<ul style="list-style-type: none"> <li>• Newspaper Publication ONLY where proposal affects the character and appearance of a Conservation Area or Listed Building</li> <li>• Website</li> <li>• Consult Parish / Town Council</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Site notice AND letter to adjoining property</li> <li>• Newspaper Publication ONLY where proposal affects the character and appearance of a Conservation Area or Listed Building</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Consult Parish / Town Council</li> </ul>

**Table 7.6 Listed Building Consent**

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

**Table 7.7 Householder Prior Approval Applications (Single storey rear extension)**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Letter to adjoining property</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Letter to adjoining property</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Notify Parish / Town Council</li> </ul>

**Table 7.8 Householder Prior Approval Applications (Additional Storeys)**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Letter to adjoining properties</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Letter to adjoining properties</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Consult Parish/Town Council</li> </ul>

**Table 7.9 Other Prior Approval Applications**

**Agriculture & Forestry – request whether Prior Approval is required**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
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<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>Notify Parish / Town Council</li> </ul>
<b>Agriculture &amp; Forestry – where Prior Approval is required</b>	
<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>Site notice posted by the applicant</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>Site notice posted by the applicant</li> <li>Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>Notify Parish / Town Council of Prior Approval application – N.B. where Prior Approval is required no separate notification will be issued to the Parish / Town Council</li> </ul>
<b>Demolition of an Unlisted Building</b>	
<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>Site notice posted by the applicant</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>Site notice posted by the applicant</li> <li>Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>Notify Parish / Town Council</li> </ul>

#### **Permitted Development requiring Prior Approval – Electronic Communication Code Operators**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>i. Where development does not accord with the provisions of the adopted development plan, or would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way) <ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Newspaper Publication</li> </ul> </li> <li>ii. in the case of development which does not fall within paragraph i) but development is on a site having an area of 1 hectare or more <ul style="list-style-type: none"> <li>• Site Notice OR letter to adjoining properties</li> <li>• Newspaper Publication</li> </ul> </li> <li>iii. in the case of development which does not fall within i) or ii) <ul style="list-style-type: none"> <li>• Site Notice OR letter to adjoining properties</li> </ul> </li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>Site notice AND letter to adjoining property</li> <li>Newspaper publication</li> <li>Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>Notify Parish / Town Council</li> </ul>

#### **Permitted Development requiring Prior Approval – new dwelling house on detached blocks of flats**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Site notice AND letter to all owners and occupiers of flats within the existing block of flats AND letter to adjoining property (Letters not required for Part 20 Class ZA).</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Site notice AND letter to all owners and occupiers of flats within the existing block of flats AND letter to adjoining property (In respect of Part 20 Class ZA letters sent only to adjoining properties).</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Consult Parish / Town Council</li> </ul>

#### **Permitted Development requiring Prior Approval (not listed above)**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Site notice OR letter to adjoining property</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Site notice AND letter to adjoining property</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Notify Parish / Town Council</li> </ul>

#### **Table 7.10 Permission in Principle**

#### **Publicity of proposals to enter land in Part 2 of Brownfield Land Register**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Consult Parish / Town Council</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Consult Parish / Town Council</li> </ul>

#### **Permission in Principle Consent – Permission in Principle Stage Application**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Consult Parish / Town Council</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Notify Parish / Town Council</li> </ul>

#### **Permission in Principle Consent – Technical Details Consent Stage**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Consult Parish / Town Council</li> </ul>
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<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Notify Parish / Town Council</li> </ul>
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**Table 7.11 Applications for:  
Advertisement Consent  
Discharge of Conditions (DAC)  
Non-Material Amendments (NMA)  
Certificate of Lawful Use or Development (Existing and Proposed)**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• <u>Consult Parish / Town Council - Advertisement Consent; Certificate of Lawful Use or Development (Existing)</u></li> <li>• Notify Parish / Town Council - Certificate of Lawful Use or Development (Proposed)</li> </ul>

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

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Site notice AND letter to adjoining property</li> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Notify Parish / Town Council</li> </ul>

**Table 7.11 Works to Trees within a Conservation Area**

<b>Legal Requirement for consultation</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>LPA SCI Consultation</b>	<ul style="list-style-type: none"> <li>• Website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a></li> <li>• Notify Parish / Town Council</li> </ul>

## Site Notices

- 8.15 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)**

- 8.16 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.
- 8.17 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**

- 8.18 Where indicated within the tables above, the Local Planning Authority will publish a notice of applications in a newspaper circulating in the locality where 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**

- 8.19 All current applications are available to view on the Council's Public Access website ([www.braintree.gov.uk/pa](http://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.
- 8.20 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.

- 8.21 Representations to an application can be made online via the Council's Public Access website ([www.braintree.gov.uk/pa](http://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](http://www.braintree.gov.uk/pa1)).
- 8.22 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
- 8.23 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](http://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.
- 8.24 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

8.25 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

8.26 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.

8.27 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](http://www.braintree.gov.uk/pa)).

8.28 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**

- 8.29 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.
- 8.30 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](https://www.braintree.gov.uk/info/200141/committees_and_meetings/102/attending_committee_meetings)).
- 8.31 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](https://braintree.cmis.uk.com/braintree/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/5/Default.aspx)).
- 8.32 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-i.tv/core/portal/home>).

### **Appeals**

- 8.33 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.

- 8.34 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](https://www.braintree.gov.uk/info/200228/planning_information/210/planning_appeals)).

- 8.35 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**

- 8.36 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.
- 8.37 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.

- 8.38 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](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.
- 8.39 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](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](https://www.braintree.gov.uk/info/200125/planning_and_building/292/planning_enforcement/2)).

## **9. Monitoring and Review**

- 9.1 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.
- 9.2 The database of people and organisations to be consulted will be kept up-to-date and managed to comply with Data Protection Legislation.
- 9.3 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.

## 10. 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 Co-operate (DTC)	Requirement to co-operate with relevant authorities and other bodies on the preparation of policies that address strategic planning matters.
Local Development Scheme (LDS)	This sets out the program for the preparation of DPDs and SPDs.
Major Planning Applications	For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m <sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015
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.

