

# **Maldon District Council Statement of Community Involvement**

**November 2018**



## **Foreword**

I am delighted to introduce Maldon District Council's new Statement of Community Involvement.

This important document outlines how the Council will engage residents, groups, organisations, and businesses in the planning process by explaining who will be consulted, when and how. It describes how the Council will involve the community and relevant stakeholders in the preparation and review of planning policy documents and the consideration of planning applications. It has been informed by a six week formal consultation where the views of local residents and other stakeholders were sought.

Local people and local businesses are often the best source of information about their local area and better decisions can be made by accessing to this wealth of knowledge. By involving the whole community in the planning process Maldon District Council can ensure that a strategy for development of the area is created that meets the community's aspirations.

The Council want residents and businesses to know that their ideas and concerns have been listened to and considered. Although getting involved does not guarantee that the Council will make changes or decisions that reflect everyone's views, the Council aims to ensure that it explains appropriately why they have made those decisions. The Council looks forward to working with all parties to help shape planning decisions in the future.

Cllr Mrs PA Channer CC

Chairman, Planning and Licensing Committee

Maldon District Council

<b>Contents</b>	<b>Page</b>
1. Introduction	1
I. Background	1
II. Setting the context	1
III. Our vision and standards for public consultation	2
2. The Planning System and Policy Framework	3
i. National Policy	3
ii. Local Planning Policy	
Maldon District Approved Local Development Plan 2014-2029	4
Essex Mineral Plan 2014	6
Essex and Southend-on-Sea Waste Local Plan 2017	6
Burnham-on-Crouch Neighbourhood Development Plan 2017	6
iii. Other Planning Policy Documents	7
Supplementary Planning Documents (SPD's)	7
Supplementary Planning Documents in preparation	8
Sustainability Appraisal	9
Local Development Scheme	9
Statement of Community Involvement	9
Annual Monitoring Report	9
Community Infrastructure Levy	10
iv Other Documents	10
3. Community Involvement in Planning Policy	10
I. Who will we consult	10
II. 'Hard to Reach' groups	11
III. Methods of communication	12
Local Plans/Development Plan Documents	14
Consultation on neighbouring authority plans	16
Supplementary Planning Documents	16
Community Infrastructure Levy	17
IV. Duty to cooperate	17
V. Using the results of consultation and feedback	18
VI. Council Committees and procedure	18
VII. Availability of documents	18
4. Community Involvement in Neighbourhood Planning	18
I. Maldon District Council Statutory Support for Neighbourhood Plans	20
II. Other support offered by the Council	21
5. Community Involvement in Planning Applications	21
I. Pre-application	22
II. Planning Performance Agreements	24
III. Planning advice and information	24
IV. Planning application stage	25

V.	Notification of a Decision	29
VI.	Appeals	29
6.	Permission in Principle	29
7.	Monitoring and Review	30
I.	Annual Monitoring Report	31
II.	Data protection	31
<b>Appendix 1</b>		
	Community led planning guidance	32
<b>Glossary</b>		37

## List of Acronyms

AMR – Authority Monitoring Report

BREEAM – Building Research Establishment Environmental Assessment Method

CIL – Community Infrastructure Levy

DPD – Development Planning Document

GDPR – General Data Protection Regulation

HRA – Habitats Regulations Assessment

LDD – Local Development Document

LDP – Local Development Plan

LDS – Local Development Scheme

NDP – Neighbourhood Development Plan

NGO – Non-Governmental Organisation

NHS – National Health Service

NPPF – National Planning Policy Framework

PPG – Planning Practice Guidance

SA – Sustainability Appraisal

SCI – Statement of Community Involvement

SEA – Strategic Environmental Assessment

SPD – Supplementary Planning Document

## **1. Introduction**

### **Background**

- 1.1 This Statement of Community Involvement (SCI) provides a comprehensive vision and commitment that seeks to ensure that communities and stakeholders are consulted in planning and development matters. The planning system within the UK, which aspires to balance the need for providing homes, employment and transport under the principles that encompass sustainable development, affects all communities and individuals in one way or another. It is therefore crucial that local people are given the ability to understand the planning process and also the opportunity to participate in the decision making process, offering their ideas and influencing the path of development.
- 1.2 The SCI aims to ensure a continued commitment towards the engagement and involvement of local communities and stakeholders by being active, positive and consistent in its approach throughout the planning process. In addition, it is vital that developers and investors know what to expect when they engage with Maldon District Council so that they are reassured of what service they will receive, how the Council will engage with the local communities and what is expected from them.
- 1.3 Maldon District Council adopted its first Statement of Community Involvement in 2007, and an addendum was approved in 2012. This document has been produced to comply with new regulations and align with updated channels of communication between the Council and the residents of the District it serves. Once adopted, this SCI will replace the 2007 SCI and its addendum.
- 1.4 The Town and County Planning (Local Planning) (England) (Amendment) Regulations 2017 requires Local Authorities to update their SCI every five years. Therefore, the Council will review the SCI on a regular basis to ensure its approach to community involvement remains both efficient and effective.

### **Setting the Context**

- 1.5 The planning system will not achieve sustainable development without effective engagement and involvement of the local community, development industry and interested parties and organisations throughout the planning process. Community and stakeholder involvement is an essential requirement in shaping and steering the District's unique identity and legacy, thus an underlying principle to sustainable development.
- 1.6 This SCI will enable efficient engagement with community groups and stakeholders on a wide range of local planning matters working as a partnership which benefits all and is transparent, accountable and clear.
- 1.7 Specifically, the community can get involved in local planning matters via the following:
  - Planning applications;
  - During consultation periods on Planning Policy documents; and
  - Contributing towards the creation of a Neighbourhood Plan.

- 1.8 The SCI will be used as a framework for consultations by the Council to help guide approaches to consultation for the production of planning policy documents, planning applications as well as other non-planning matters.

**Our Vision and Standards for Public Consultation**

- 1.9 The benefits of consultation and involvement are a better informed Council and community, leading to healthy and open relationships. Decision making should become more relevant, as a result there will likely be resource savings as the correct services become more frequently targeted and precise approaches are taken.
- 1.10 The Council will seek to work to high standards of public consultation by committing to the following vision and principles outlined below.



## 2. The Planning System and Policy Framework

### National planning policy

- 2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local communities and local authorities could plan and produce unique and distinctive local and neighbourhood plans, which reflect both the needs and priorities of their communities. The NPPF was revised in July 2018, this replaces the NPPF 2012. The 2018 NPPF has informed the production of this SCI. More information can be found at:

<https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

- 2.2 Planning Practice Guidance (PPG) provides more detail on a range of planning matters identified by the NPPF. First published in 2014, this web-based resource is regularly updated to reflect the current policy position.

As part of the NPPF review, the Government has also revised parts of the Planning Practice Guidance. Regard has been had to these changes in the production of this SCI.

Further information can be found at:

<https://www.gov.uk/government/collections/planning-practice-guidance>.

- 2.3 Written Ministerial Statements enable Ministers to bring important matters to the attention of the House of Commons. Ministerial Statements can be issued to support or supplement existing policy guidance or to provide amendments and updates to current national policies set out by Government. The guidance provided in Ministerial Statements can be viewed at [www.gov.uk](http://www.gov.uk)

### Local planning policy

- 2.4 The Maldon District Local Development Plan (LDP) 2014-2029 was approved by the Secretary of State on 21 July 2017. The Approved Local Development Plan can be viewed on the Council's website: [www.maldon.gov.uk/LDP](http://www.maldon.gov.uk/LDP)
- 2.5 The LDP along with the Essex Minerals Local Plan and the Essex and Southend on Sea Waste Local Plan and any 'made' Neighbourhood Plans form the Development Plan for the District. Applications for planning permission must be in accordance with the Development Plan unless there is a very good reason not to do so. These reasons are known as material considerations.
- 2.6 The District's Development Plan consists of a suite of documents listed below:

- Maldon District Approved Local Development Plan (2014-2029) (LDP)

The Secretary of State approved the Maldon District Local Development Plan on 21 July 2017. The Local Development Plan (LDP) has been prepared under the legislative provision of the Planning and Compulsory Act 2004 and the Localism Act 2011 and in accordance with the Town and Country Planning (Local Planning)

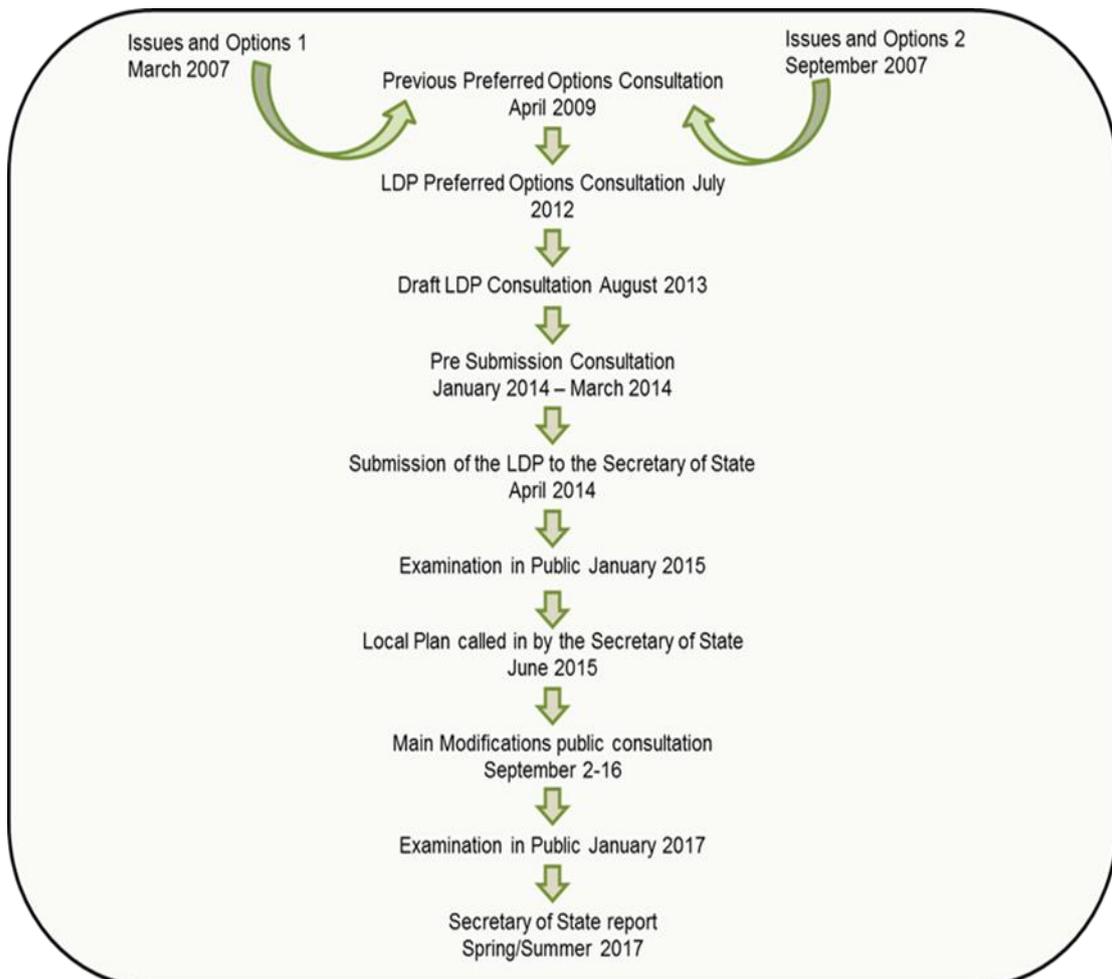
(England) Regulations 2012 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

The LDP sets out the planning strategy for the future growth and development of the District for 2014-2029. It is the main planning policy document produced by the Council and is also classified as a Development Plan Document (DPD). It provides a spatial strategy for the delivery of future homes, employment, retail, community facilities and infrastructure. It also includes a range of strategic and non strategic policies to guide the sustainable development of the District.

The LDP responds to local ambitions, aspirations and priorities for the District. The LDP was developed following consultation and dialogue with a wide range of individuals, organisations and interest groups. Consultation began in 2006 as part of the Maldon Core Strategy process. Whilst the Council decided not to pursue a Core Strategy, the outcomes of these consultation stages were important in developing the spatial vision, strategy and development management policies within the LDP.

The key stages of the plan preparation process are outlined in Figure 2.2.

*Figure 2.2: Local Development Plan Preparation Process*



The NPPF 2018 (Para 33) requires the Council to review the effectiveness of the LDP every 5 years to establish whether the LDP is working as intended or whether a full or partial review may be required. This legal requirement is set down under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

- Essex Minerals Local Plan 2014 (MLP)

Produced by Essex County Council, the role of the MLP is to ensure a steady and adequate supply of mineral resources to facilitate development over the Plan period and beyond. Covering Essex, the MLP includes a Minerals Safeguarding policy and Mineral Consultation Areas which requires the County Council to be consulted on all non-mineral related development proposals in these areas.

- Essex and Southend-on-Sea Waste Local Plan 2017 - 2032 (ESWLP)

Also produced by Essex County Council, the ESWLP sets out where and how waste management developments can occur, and contains the policies against which waste management planning applications are assessed in Essex, including Waste Consultation Areas.

- Burnham-on-Crouch Neighbourhood Development Plan

The Localism Act 2011 has enabled local people to establish their own plans for their communities by writing Neighbourhood Development Plans (NDP) that can include a wide range of topics, and address a variety of issues and opportunities. However, there are limits on what NDPs can do and it must be 'in broad conformity' with the adopted strategic policies of the Local Planning Authority's Development Plan.

The Burnham-on-Crouch Neighbourhood Development Plan was made by Maldon District Council on 7 September 2017, following community engagement activities, consultation periods, an Independent Examination and a local referendum. The Neighbourhood Development Plan (NDP) covers the whole of the Burnham-on-Crouch Parish and provides guidance for the future of the town, for the plan period 2014 to 2029.

The Burnham-on-Crouch Neighbourhood Development plan can be viewed at:

[www.maldon.gov.uk/info/20048/planning\\_policy/8112/community\\_led\\_planning\\_and\\_neighbourhood\\_plans/4](http://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/4)

All neighbourhood plans made by the Council will become part of the Development Plan for the District.

Further information in relation to the production and preparation of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders can be found at Section 4 and Appendix 1

## 2.7 Other Planning Policy Documents

### (i) Supplementary Planning Documents (SPDs)

Supplementary Planning Documents (SPDs) provide further guidance relating to LDP policies for development on specific sites, or on particular issues, such as design. They cannot introduce new policy.

The Council has adopted a range of SPDs. Those adopted from 2005-2007 under the Replacement Local Plan. Those adopted from 2017 onwards supplement policies within the Local Development Plan (2014-2029). Both are material considerations when planning applications are considered.

Adopted SPDs:

- Affordable Housing Guide 2005 – sets out the Council’s co-ordinated approach to the provision of affordable housing. This will be replaced by the Affordable Housing and Viability SPD (see ii below).
- Developers Contribution Guide 2005 – sets out the Council’s approach to seeking developer contributions when considering planning applications.
- Vehicle Parking Standards (2006) - The application of car parking standards to new or extended development is a key tool to contributing to reduced levels of traffic. A revised SPD is being produced; on adoption this will replace the 2006 SPD (see ii below).
- Children’s Play Spaces (2006) – Sets out a formula that allows a developer contribution to be calculated for new housing development. On adoption, this SPD will be superseded by the Green Infrastructure Strategy SPD (see ii below).
- Accessibility to Buildings (2006) – Encourages all parties involved in the planning and development process to recognise the benefits of inclusive design.
- Sadd’s Wharf (2007) – Prepared for the regeneration of Sadd’s Wharf, Maldon for mixed office, residential and leisure uses.
- Heybridge Basin Timber Yard (2007) – Provides guidance for the District Council to assist in the determination of any future planning application at this site.
- Maldon District Design Guide (2017) – Provides guidance to delivering high quality design in the District and with regard to the principles of sustainable design in all development. The Design Guide supplements LDP Policy D1: Design Quality and Built Environment.
- Maldon and Heybridge Central Area Master Plan (2017) – The document supplements LDP Policy S5: the Maldon and Heybridge Central Area Master plan

area and sets out a spatial framework for development and regeneration in the Master plan Area.

- South Maldon Garden Suburb Strategic Master Plan (2018) – This document sets out the strategic master plan framework and design parameters for the garden suburb within Maldon. The SPD supplements LDP Policy S4: Maldon and Heybridge Strategic Growth.
- Maldon District Renewable and Low Carbon Technologies (2018) – This document offers technical guidance on matters needing to be addressed in order for renewable and low carbon technology applications to be submitted successfully. The technical guidance is to be used also as a tool for decision makers when assessing the suitability of proposals. The SPD supplements LDP Policy D4 Renewable and Low Carbon Energy Generation.

(ii) SPDs in Preparation

- Maldon District Affordable Housing and Viability (2018) – The SPD provides further detailed guidance to support the delivery of affordable housing as required by Policies H1, H2 and H5 of the Approved Maldon District Local Development Plan 2014-2029. This document is expected to be adopted in Autumn 2018.
- Maldon District Specialist Needs Housing (2018) – The SPD provides information about the Council's approach to delivering specialist housing, such as for older people and those with disabilities, through Local Development Plan policies H1, H2 and H3. This includes clarifying the different types of specialist housing required in the District, the locational and accessibility requirements for specialist housing schemes and what supporting information will be required. This is expected to be adopted in Autumn 2018.
- Maldon District Vehicle Parking Standards (2018) – The key objective of these standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This is expected to be adopted in Autumn 2018.
- Essex Coastal Recreation Avoidance Mitigation Strategy (RAMS) – the purpose of this SPD is to set out how the Council will secure financial contributions from new development that is expected to have an adverse recreational impact upon Natura 2000 sites in the Essex Coastal Area.
- Green Infrastructure Strategy – the purpose of this SPD is to provide a vision statement, concept plan, core principles and priority action plan to enhance the District's green infrastructure network, in accordance with LDP Policies N1-N3.

(iii) Sustainability Appraisal (SA)

Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) – These will appraise the social, environmental and economic effects of the

strategies, policies or proposals within the Local Development Plan and other DPDs and will be subjected to consultation. SEA screening opinions will be sought for SPDs.

(iv) Local Development Scheme

The Council prepares a Local Development Scheme (LDS), which is a project plan setting out the timetable for planning policy documents to be undertaken on an annual basis. It sets out details of the documents that will be given priority during that period. The LDS is prepared having regard to the Localism Act 2011, the National Planning Policy Framework (NPPF), the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

There is no requirement for the Council to consult on the LDS.

The LDS is available at: [www.maldon.gov.uk/lds](http://www.maldon.gov.uk/lds)

(v) Statement of Community Involvement

The Statement of Community Involvement sets out how the community will be engaged in the preparation of the planning policy documents and in determining planning applications in the District. This will be subject to consultation.

(vi) Authority Monitoring Report

The Council monitors the effectiveness of the policies within the LDP annually through the Authority Monitoring Report (AMR). This document is publicly available and reports on the delivery of key targets, including a statement relating to the Council's annual Five Year Housing Land Supply. The Council aims to publish the Authority Monitoring Report in September each year.

The AMR will also include:

- A statement on the progress of each document in the LDS project plan;
- An analysis of how or whether the policies of the LDP are delivering their objectives, including key targets, such as the number of net additional dwellings, the number of net additional affordable dwellings for the last monitoring year, and since 21 July 2017 (the date the LDP was approved);
- Details relating to any neighbourhood plans that have been made in the last monitoring year; and
- Progress on the Community Infrastructure Levy and other planning documents.

The AMR is available to be viewed at [www.maldon.gov.uk](http://www.maldon.gov.uk)

There is no requirement for the Council to consult on the AMR.

(vii) Community Infrastructure Levy (CIL)

- CIL is a locally set charge on new development based on the size and type of development. Once set in an area it is mandatory to be paid and non-negotiable. Funds raised will be used to provide infrastructure which is required to support new development across the area. CIL will be subject to consultation and examination by an independent Inspector.

#### 2.10 **Other Documents**

These documents have been endorsed by the Council and are also material considerations when assessing planning applications:

- North Heybridge Garden Suburb Strategic Master Plan
- Design Codes
- Conservation Area Appraisals
- Village Design Statements

### **3. Community Involvement in Planning Policy**

3.1 This section will set out how the Council involves the community in preparing planning policy documents, based on the vision and standards outlined in Section 1 in addition to the statutory requirements for consultation.

3.2 Information on the Council's programme for preparing all future policy documents is contained within the approved Local Development Scheme (LDS) which is available online or can be requested by contacting the Council. Details can be found at: [www.maldon.gov.uk/LDS](http://www.maldon.gov.uk/LDS)

#### **Who Will We Consult**

3.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 requires Local Planning Authorities to consult "specific consultation bodies" and other interest groups which cover a variety of voluntary, community, special interest, Non-Governmental Organisations (NGOs), amenity groups, local business interests and other bodies, referred to as "general consultation bodies".

3.4 "Specific consultation bodies" (or statutory consultees), as stipulated within the regulations, include:

- Essex County Council
- Neighbouring Authorities
- Local Parish and Town Councils (including those adjoining the District, but in neighbouring Districts)
- Local Enterprise Partnerships
- Relevant utilities companies
- Relevant sewage and water undertakers
- Relevant telecommunications companies
- The Coal Authority
- Homes England
- Primary Care Trust (NHS Mid and South Essex Sustainability and Transformation Partnership)
- Network Rail Infrastructure Ltd

- Local Policing body
- Marine Management Organisations
- Civil Aviation Authority
- Government bodies; Environment Agency, Historic England (<https://historicengland.org.uk>), Natural England ([www.gov.uk/government/organisations/natural-england](http://www.gov.uk/government/organisations/natural-england)) and Highways England

3.5 The Council is committed to comprehensive and thorough consultation, involving as many people and organisations as possible. “General consultation bodies” will include:

- Voluntary bodies who have an interest or whose activities benefit any part of the local planning authority’s area; Community transport services;
- Special interest groups representing the interests of different racial, ethnic, religious and national groups and disabled groups in the District;
- Non-Governmental Organisations including wildlife groups and environmental organisations;
- Local business groups which represent the interests of the business community in the area;
- Developers, landowners and professional planning organisations such as BREEAM;
- Other bodies, including; educational providers, health organisations and so forth;
- The general public;
- Council elected members who provide important channels of communication to and advocate on behalf of their local communities.

#### **‘Hard to Reach’ Groups**

3.6 Community involvement is essential to the planning system and whilst the Council attempts to engage with the entire community, there are groups that have been traditionally under-represented. The Home Office Development and Practice Report 15 identified minorities, those slipping through the net and the service resistant as hard to reach groups. The Council must ensure that all groups within the community have the opportunity to participate, in particular ‘hard to reach’ groups. It may be easier for us to reach some such groups by working with representative organisations. Hard to reach groups are more likely to be engaged if more ‘proactive’ measures are taken to improve levels of involvement. We will therefore be positive in our approach to ensure everybody has the opportunity to be involved and encourage their participation.

3.7 As a Local Planning Authority, the Council must comply with the Public Sector Equality Duty under Section 149 of the Equality Act 2010. The three aims of the general equality duty that the Council will have due regard to include:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 3.8 The Council has a legal obligation to undertake an Equalities Impact Assessment (EqIA) on all of its policies to ensure that all of the community is treated fairly in the preparation and implementation of the policy document. In addition, all planning policy documents are or can be made available in large copy print, audio cassette, braille or languages other than English on request. If you require the document in one of these formats please contact the Planning Policy Team: 01621 876278 via email: [Policy@maldon.gov.uk](mailto:Policy@maldon.gov.uk).

**Methods of Communication**

- 3.9 The Council intends to maintain a level of continuity with regard to all aspects of community involvement and aims to encourage early engagement in the preparation of every document, in line with the vision and standards of public consultation set out by the Council.
- 3.10 The channels of communication to be used by the Council during public consultation are detailed below. The different engagement methods used will determine whether the level of community involvement is for information, consultation, participation or feedback.

	<b>Engagement Method</b>	<b>Description</b>
<b>Information</b>	Local media (Newspaper/Press Releases, paper and electronic)	Wide reaching, local media resources such as Newspapers and press releases are an effective method of communication and provide information within the District. There is only a requirement by legislation to publish notices for DPDs, however the Council intends to ensure that information regarding public consultations is as far reaching within the District as possible. Therefore all appropriate resources will be utilised in order for that to happen.
	Letters/E-mails to specific and general consultation bodies	The Town and Country Planning (Local Planning) (England) Regulations 2012 states that, as a minimum requirement, Local Planning Authorities must notify the relevant consultation bodies, both statutory and general.
	Posters, leaflets and displays in public locations	Public displays and leaflets will enable information to be targeted locally and offer direct interaction with the reader. Additionally, the information is publically available on a continued basis and therefore provides flexibility on behalf of those that may not have the ability to use alternate channels.

	Inspection points	<p>The Town and Country Planning (Local Planning) (England) Regulations 2012 state that, as a minimum requirement, Local Planning Authorities provide available copies of planning documents for public view at the Council Offices and all local libraries within the District (please check Essex County Council's website <a href="http://www.essex.gov.uk">www.essex.gov.uk</a> for opening hours).</p> <p>The Council will, in every instance, provide both electronic and hard copies of any consultation document. The location of those hard copies will always be indicated prior to consultation via letter, email or through the Council's website.</p>
	Social media platforms	Maldon District Council will use social media platforms such as Twitter and Facebook to promote awareness and encourage participation in giving feedback to consultations taking place.
	<b>Engagement Method</b>	<b>Description</b>
<b>Consultation</b>	Parish and Town Council Meetings	Maldon District Council officers are able to attend Parish and Town Council meetings or a collective on request, such as the Dengie Hundred meeting. Additionally, Officers attend Parish Clerk Forums for the dissemination of information.
	Stakeholder meetings	Stakeholder meetings will enable the engagement of those with specialist/local knowledge and the sharing of unique and alternative insights that benefit the document and its content. Meetings can range from group meetings to one to one meetings
	Public meetings	Public meetings provide the opportunity to inform, promote and debate any particular issues that arises through representations made during a public consultation exercise.
	Council meetings	Council meetings will provide an appropriate opportunity for Councillors to give their view with regard to planning documents that are taken through the consultation process.
	Response form	Some consultation exercises will provide response forms to provide representations. These provide the opportunity for responses to be detailed into a legible format that benefits both the respondent and the Council.
	Questionnaires	Questionnaires provide a method of data collection where representations can be made on specific planning issues.

	Internet	<p>The Council has a dedicated consultation webpage and portal, designed for ease of access and usability for those wishing to submit representations to planning applications and planning policy documents.</p> <p>All consultation exercises will be advertised on the Council’s website throughout the consultation period.</p>
Participation	Exhibitions/roadshows	<p>Public exhibitions and displays can be placed in locations that are easily accessible for participation. Considerations will be given to the time of display and location to maximise inclusivity.</p>
	Workshops	<p>Workshops provide a means to bring together relevant stakeholders and discuss key thematic topics and allows for sharing of identified key issues. Additionally, workshops can allow for specific groups to be engaged such as ‘hard to reach’ stakeholders.</p>

- 3.11 How the Council involves the local community and statutory consultees varies dependent on the type of planning policy document being produced.
- 3.12 This section will outline the process of engagement and involvement used at each stage of the Local Plan process and how the participation of community stakeholders will help influence and shape policy documents.

**Local Plans/Development Plan Document**

- 3.13 The preparation of a Local Plan (or Local Development Plan) is governed by [The Town and Country Planning \(Local Planning\) Regulation 2012](#) and the [Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017](#). These set out the legal requirements which must be followed. There are two principle consultation stages, although this does not prohibit the Council undertaking more if it feels it should do so.

**Stage 1 ‘Preparation of Local Plan (Regulation 18)’ or Development Plan Document**

- 3.14 Community engagement is vitally important to the plan preparation process. Participation will be encouraged and extensive consultation be conducted to identify and understand the issues relating to the future of the District. A range of policy options will be consulted upon through ‘Issues and Options’ consultation exercise which will run for a minimum of 6 weeks.
- 3.15 The Council may also consult under Regulation 18 for a ‘Preferred Option’ or draft of the Plan. This will take account of the representations made during the Issues and Options stage and provide the opportunity to comment on the Council’s preferred

approach before it commits to that approach at the next formal stage of plan-making. A Preferred Options consultation will last for a minimum of 6 weeks.

### **Stage 2 ‘Publication of proposed Local Plan (Regulation 19)’**

- 3.16 The Council will undertake a final consultation (for 6 weeks) for the draft Local Development Plan before submitting the Plan (the Pre-Submission Plan) and the representations made to the Secretary of State for examination, who will then appoint a Planning Inspector. Following the consultation exercise, representations will be published and responses provided. All responses will be considered and where appropriate amendments to the document will be recommended to the Inspector. A Statement of Consultation will also be published on the Council’s website outlining the representations received and any potential modifications to the plan the Council wishes to propose to the Inspector.

### **Stage 3 Examination**

- 3.17 The Inspector will then hold an Examination. Once the Planning Inspector has reviewed the submitted Plan, a series of matters, issues and questions (MIQs) in relation to the Plan will be put to the Council and sent to everyone who has made a representation. The Inspector will give all parties time to respond in the form of a pre-examination statement which is sent to the Inspector. All pre-examination statements are published on the Council’s website.
- 3.18 The Examination will take into account the submitted Local Development Plan, supporting evidence, representations and written statements. This enables the Inspector to judge if the Plan is ‘sound’ and meets the legal and procedural requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
- 3.19 The Inspector has the right to call respondents to give evidence at the Examination. Examinations are not subject to cross examination by barristers and questions are asked by the Inspector to the Council and other representatives and discussions held. If you are invited to attend, advice on the Examination will be provided by the Programme Officer, who represents the Inspector and coordinates all correspondence relating to the Examination
- 3.20 To be sound the NPPF states that a Plan must be:
- a) **Positively prepared** – *providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs<sup>19</sup>; and is informed by agreements with other authorities, so development;*
  - b) **Justified** – *an appropriate that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable strategy, taking into account the reasonable alternatives, and 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.

#### **Stage 4 Adoption**

- 3.21 The recommendations of the Inspector are set out in their Report to the Secretary of State. Provided that the Inspector finds the Plan sound, the Council will be able to adopt the Local Plan. However, the Inspector may also make recommendations for further modifications to the Plan to make the Plan sound. If the raised matters have not previously been considered at the Examination, they will be subject to a 6 week consultation. Any representations made will be considered by the Inspector in their final Report.
- 3.22 As soon as reasonably possible once the Council adopts the Local Development Plan, an adoption statement, sustainability appraisal report and consultation statement shall be published (Regulation 26).
- 3.23 In respect of the Local Development Plan, a review must be completed every five years, starting from the date of its adoption, in accordance with section 23 of The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 to consider whether the Plan remains effective or if a full or partial review is required.

#### **Consultation on neighbouring authority plans**

- 3.24 Each Local Planning Authority has a requirement to undertake consultation on their Development Plan Documents and Supplementary Planning Documents, plus any other guidance. This includes consultation with adjoining District Councils, Essex County Council and Parish and Town Councils.
- 3.25 The Council cannot be held responsible for consultation undertaken by other Local Planning Authorities.

#### **Supplementary Planning Documents (SPDs)**

- 3.26 These documents provide more detailed advice and guidance on policies in the Local Plan, covering a range of issues, specific subjects or individual sites. SPDs are not subject to independent examination, but are subject to public consultation lasting a minimum of 6 weeks. Once the consultation exercise has finished, the Council will consider all responses, provide feedback and where appropriate amendments will be made to the document.
- 3.27 On adoption, the Council will make available as soon as reasonably possible an adoption statement and consultation statement which sets out how the Council engaged stakeholders and the community on the SPD. All relevant documents will be available on the Council's website [www.maldon.gov.uk/SPD](http://www.maldon.gov.uk/SPD). Once adopted, SPDs will have material weight in decision-making on planning applications.

- 3.28 The Council may also prepare other planning guidance such as master plans, design codes, planning and development briefs. In some instances these may be prepared in consultation with the local community or be subject to public consultation. Where the local community is to be engaged in the preparation this could be in the form of a collaborative workshop, for instance.

### **Community Infrastructure Levy (CIL)**

- 3.29 The Community Infrastructure Levy is a charge on new development in the District. Introducing CIL is optional. Should the Council introduce CIL it will need to prepare a Draft Charging Schedule supported by appropriate viability evidence and an Infrastructure Delivery Plan. The CIL (Amendment) Regulations 2018 identify two stages of consultation to be undertaken: Following the first stage of CIL consultation (the Preliminary Draft Charging Schedule) the Council will consider all representations made, amendments will be made to the charging schedule and/or its evidence where appropriate. The second stage, (the Draft Charging Schedule), presents the CIL rates, the Council's response to the representations made during the first consultation and the evidence base. The outcome will then be submitted for Examination by a Planning Inspector. The Inspector will decide, in a report, whether the CIL rates are appropriate and can be introduced in the District.

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

- 3.30 Created through the Localism Act 2011, Duty to Co-operate requires local planning authorities and other public bodies, such as Historic England, the Environment Agency and Natural England, to engage constructively, actively and on an on-going basis to maximise the effectiveness of strategic development. There are a number of strategic matters that have impacts that cross boundaries, including housing, transport, education, waste management, marine, estuary and other environmental matters.
- 3.31 The NPPF (Para 27) requires local planning authorities to produce and maintain one or more Statement(s) of Common Ground to demonstrate how they have co-operated effectively and agreed on cross-boundary planning policy issues.
- 3.32 As such, the Council will secure the necessary cooperation on strategic cross boundary matters before they submit their Local Development Plan/Development Plan Documents for examination and seek a statement of common ground with neighbouring authorities.
- 3.33 The NPPF also requires Local Planning Authorities to produce an Annual Statement(s) of Common Ground. This will outline how the Council has actively and positively sought to comply with the duty to cooperate with the neighbouring authorities on all strategic cross boundary matters. The Council will work with neighbouring authorities to ensure this is in place.

### **Using the results of consultation and feedback**

- 3.34 All consultation responses will be analysed carefully. Using the local knowledge, experiences and views of respondents will enable more effective and efficient

policy. All representations will be considered and used to inform decisions and/or shape the documents, alongside Government legislation, planning policy and other evidence.

- 3.35 Representations made during formal consultation periods will be acknowledged, recorded and summarised on our consultation database. All representations will be published on our website once the consultation exercise has ended. All representations made must include contact details. Representations that are marked confidential, anonymous or late in submission cannot be accepted.

### **Council Committees and Procedures**

- 3.36 Planning policy documents, including consultation documents, the results of formal consultation and documents for adoption are considered by the Members of the Council at the following Council committees:

- Planning and Licensing Committee
- Full Council

- 3.37 The Council's core values include a commitment to transparency and accountability in decision making, therefore access to council meetings and meeting documents are publically available. This enables the workings of the Council, its committees and sub committees to be transparent and accessible to the communities it serves.

- 3.38 In addition, the Council's Overview and Scrutiny Committee provides opportunities for appropriate review and challenge.

### **Availability of Documents**

- 3.39 Adopted Statutory Development Plan Documents, Supplementary Planning Documents and other documents such as the Local Development Scheme and the SCI will be made available on the Council's website at [www.maldon.gov.uk](http://www.maldon.gov.uk).

## **4. Community Involvement in Neighbourhood Planning**

- 4.1 Neighbourhood planning, which was introduced by the Localism Act 2011, enables communities to develop a shared vision through collective decision making for their neighbourhood. A fundamental element of localism, neighbourhood planning addresses future opportunities and challenges that local residents believe are most significant to the areas they live in. Neighbourhood Plans can focus on a wide range of topics, tailored to the aspirations and concerns of the communities it will serve. It is vital that all Neighbourhood Plans are in general conformity with the Local Plan.

- 4.2 Neighbourhood Plans are prepared by Parish/Town Councils or Neighbourhood Forum. But the Council recognises the important role of neighbourhood planning and will support communities throughout the development of Plans. This section will outline the stages of development with regard to Neighbourhood Plans and the roles of both the community and Maldon District Council in their preparation.

- 4.3 It is the parish/town council's responsibility to ensure that the local community is kept informed of progress on the Plan. This may require a combination of paper and electronic materials to ensure that the whole of the community can access the information. As part of this, it is recommended that a Neighbourhood Plan section is created on the parish/town council's website, or a standalone Neighbourhood Plan website is set up.
- 4.4 Early engagement with relevant stakeholders, particularly the District Council, is important throughout the Plan's preparation, to ensure the plan meets the 'Basic Conditions'. The 'Basic Conditions' are a set of legal requirements which a Neighbourhood Plan must meet if it is to be successful at the Independent Examination, set out within The Neighbourhood Planning (General) Regulations 2012 (as amended).
- 4.5 Statutory consultees, such as Historic England and Natural England will be consulted on proposed Neighbourhood Areas (where consultation is required by the regulations) and draft Neighbourhood Plans where their interests are considered to be affected. The statutory consultees may be consulted informally, if issues raised in a draft Neighbourhood Plan could benefit from their early involvement.
- Historic England's guidance on neighbourhood planning can be found at:  
<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>
- 4.6 Throughout the Plan's preparation, each consultation event or activity needs to be summarised and included in a 'Consultation Statement'. This is a key document for the Neighbourhood Plan, and will demonstrate to the Examiner that the Plan has been prepared with a good degree of community involvement.
- 4.7 Maldon District Council has produced a guidance note for parish and town councils ([https://www.maldon.gov.uk/info/20048/planning\\_policy/8112/community\\_led\\_planning\\_and\\_neighbourhood\\_plans/2](https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans/2)), outlining the process for undertaking a Neighbourhood Plan and the various stages which need to be completed for a Neighbourhood Plan to be effectively and efficiently created.
- 4.8 The emerging Essex County Council 'Neighbourhood Planning Guide: Information, Help and Support' will signpost relevant County Council services and information sources for groups preparing Neighbourhood Plans. Once finalised, it will be available on the County Council website [www.essex.gov.uk](http://www.essex.gov.uk).
- 4.9 The preparation of Neighbourhood Plans is governed by The Neighbourhood Planning (General) Regulations 2012 (as amended). There are eight key stages in producing a Neighbourhood Plan. Further details can be found in Appendix 1. The Council's role is set out below.

## **Maldon District Council statutory support for Neighbourhood Plans**

### **Publication of proposals and final decision on applications for the designation of a Neighbourhood Area**

- 4.10 Before a Neighbourhood Plan can be produced, the group proposing the production of a Plan must apply to the Council for designation as a Neighbourhood Area. If the Neighbourhood Area is the same as the parish/town area, the District Council must designate the Area. If the Neighbourhood Area is not the same as the parish/town area, the District Council will publicise the application for 6 weeks and make a decision on the appropriateness of the proposed Neighbourhood Area having considered any consultation responses received. The District Council will publicise the decision made on the application.

### **Provide comments and advice as a consultee in the production of a Neighbourhood Plan.**

- 4.11 The neighbourhood planning group must undertake a consultation on a draft Neighbourhood Plan with the local community, interested parties, and the Council (the Regulation 14 consultation). As part of this process, the District Council will provide advice on the conformity of the plan with local planning policy and the appropriateness of the plan in meeting its initial aims. On request, the District Council can arrange for the Habitats Regulations Assessment (HRA) screening opinion to be undertaken.

### **Publication and Examination of a Neighbourhood Plan**

- 4.12 Following the submission of a Neighbourhood Plan, the District Council will publicise the Plan to bring it to the attention of people that live and work in the area it applies to, for a six week consultation period (the Regulation 16 consultation). The Council will write a formal opinion on the consultation statement, as required by the Regulations and publish this alongside the submitted documents. The Council will consult with the statutory bodies on the HRA screening opinion on the Plan. The Council will collate the consultation responses, and in partnership with the parish/town council will produce a summary of the responses received for the Independent Examiner.
- 4.13 The Council will organise and finance the Neighbourhood Plan Examination. The District Council will jointly appoint an Examiner with the town/parish council. The Planning Policy Team will act as liaison between the Examiner and parish/town council.
- 4.14 Following the completion of the Examination, the Council will publish the Examiner's Report and their recommendations. The District Council will follow the recommendations made by the Examiner and will modify the plan as required. The reasons behind any modifications will be explained to the parish/town council.

**Referendum, publication of final outcome, and ‘making’ of a neighbourhood plan.**

- 4.15 Following the Examination, the Neighbourhood Plan is subject to a local Referendum. It is the responsibility of the District Council to finance, organise and manage the referendum process, and publicise the results.
- 4.16 Where a Neighbourhood Plan has gained over 50% of the votes cast, the Council will immediately give it full weight in the determination of planning applications within the Neighbourhood Area. The District Council will formally ‘make’ the Plan following a positive referendum result. The document will then have statutory status and form part of the Maldon District Development Plan. The District Council will publicise the making of the Plan.

**Other support offered by the Council**

- 4.17 In addition to the statutory requirements outlined above, the Council will provide up to 10 days of support time and attendance at a maximum of 4 meetings for each Neighbourhood Plan. The level of support provided will vary depending on the types of proposals in a Plan, and the requirements of the community group. Support provided during the production of a Neighbourhood Plan may include:
- Advice and assistance on the process of producing Neighbourhood Plans;
  - Basic assessment and review of work produced by a neighbourhood group throughout the development of a Plan. This will include providing ‘critical friend’ assistance to ensure that the emerging work is in conformity with Council planning documents and the National Planning Policy Framework;
  - Written responses to community groups outlining assessment and review work undertaken on emerging Neighbourhood Plans; and
  - Attendance at meetings with neighbourhood groups to present the views of the Council on an emerging plan, and provide advice and assistance as required.

**5. Community Involvement in Planning Applications**

- 5.1 As a Local Planning Authority, Maldon District Council is responsible for the management of development within the District. Therefore, this SCI identifies how we will involve the community in the consideration of planning applications, ranging from household proposals to major applications. The SCI will outline the Council’s approach to involving statutory bodies and the community in the various stages of the planning application process.
- 5.2 This section will outline the existing procedures used by the Council, and specifically the Development Management team when advertising and consulting on planning applications.

### **Pre-application**

- 5.4 We are committed to providing an effective planning service which delivers good quality sustainable development within the District, in conformity with the policies and principles set out in the Local Development Plan and related policy. Early discussion between applicants and the planning authority is a valuable and essential stage of the planning application process.
- 5.5 The NPPF stipulates at Para 39:
- Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.*
- 5.6 The pre-application process between the applicant and the Council is confidential, and the Council will not undertake any public consultation at this stage. It may, however, consult with some of its partners, such as Essex County Council Highways team, for technical advice that feeds into the discussions with developers.
- 5.7 The development management process regulates development within the District in accordance with local and national planning policies. The local planning policy context is provided within the Maldon District Local Development Plan (2014-2029). The national planning policy context is set within the National Planning Policy Framework, Planning Practice Guidance and any other relevant national planning documents.
- 5.8 We will usually engage in pre-application discussions with developers through our Pre-Application Service. The purpose of such early discussion will be to inform, discuss, encourage agreement and aim to reach an early consensus on the type, design and form that schemes might take. This will benefit the local community by potentially influencing the design process and decisions made by applicants before they submit an application. It will also benefit developers, by ensuring local concerns are addressed at an early stage thereby saving time and expenditure later in the process.
- 5.9 The Council will provide a detailed response identifying the primary planning issues for the proposal. The level of detail provided in the response will reflect the level of accuracy and detail of the information that is provided by the applicant; the more information you can provide about your proposal, the more accurate and in-depth our feedback will be. The response will also provide a clear position on relevant planning policy issues and any other documents it should refer to, such as Masterplans or Neighbourhood Plans.
- 5.10 In relation to the scale and nature of development, in October 2011 the Council introduced a new procedure requiring pre-application engagement for strategic development proposals. All strategic proposals must be presented to a meeting of both members and officers in order to commence early member engagement. Strategic development proposals comprise:
- Any mixed use tenure residential scheme of 50 plus dwellings;
  - 100% affordable housing schemes of 6 or more dwellings;

- New build retail and/or food supermarket proposed for a site outside of the defined Town Centres;
- Non-residential development over 2500m<sup>2</sup> floor space or for sites 2 hectares or more;
- Residential and non-residential sites either in, or seeking to be promoted through the Local Development Plan.

Further information is found in sections 61W and 61X of the [Town and Country Planning Act 1990](#) and article 4 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, including the amendments set out in Part 2 of the Town and Country Planning (Local Authority Consultations etc) (England) Order 2018.

- 5.11 For the most significant major infrastructure projects which are of national importance, the Council is a statutory consultee rather than the Local Planning Authority. For these Nationally Significant Infrastructure Projects (NSIPs), Central Government have an established infrastructure planning team within the Planning Inspectorate, who will be responsible for determining these applications. However, the pre-application process and planning application process remain vitally important to community engagement and consultation. Any individual wishing to participate in the examination of an application for development consent for a national infrastructure project (NSIP) is required to register with the Planning Inspectorate, and not the local planning authority, and make a relevant representation about the application. Further information can be found at:<http://infrastructure.planningportal.gov.uk/application-process/participating-in-the-process/>
- 5.12 Before Submitting a Planning Application PPG, 2018, 010 states that for planning applications concerning 2 or more wind turbines or where the hub height of any turbine exceeds 15 metres, it is mandatory to carry out pre-application consultation with the local community.
- 5.13 There is a Development Management Protocol for Member engagement in pre-application discussions. This sets out a structured process that engages Members without prejudicing their decisions or the integrity of the planning process. All pre-application discussions will be held in private and therefore confidentiality will apply.
- 5.14 Members that attend the meeting will have an opportunity to ask questions and seek clarification. Members may alert the developer to what they perceive as the likely view of their constituents, but this must be in the context of the LDP or alternative policy framework.
- 5.15 Fees are applied for the Pre-application Service. These vary dependent on the application and type of advice being sought. The type of advice could be in the form of a single meeting, or multiple meetings, with or without follow up letters. Details of the fees can be found at:

[https://www.maldon.gov.uk/info/20046/development\\_management/9227/planning\\_advice\\_and\\_information](https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information)

The fee schedule for pre-application advice relates to the Council's services only. ECC apply their own charges for attending pre-application meetings.

### **Planning Performance Agreements**

- 5.16 As an alternative to a pre-application fee an applicant may enter into a Planning Performance Agreement (PPA) with the Council. These set out the level of service the applicant will receive from the Council, who they will deal with and how that person will coordinate all of the Council's and partners activities, the length that the PPA will apply and the fee. They allow for a wider range of meetings, often topic based, so that the Council can provide maximum influence on the developers' scheme and ensure that it is, as far possible, policy compliant and deliverable.
- 5.17 PPAs are usually entered into before a planning application is submitted and last until the date of the applications submission. For strategic developments the Council will recommend that a long term PPA is entered into which takes into account not only the initial planning application, but any follow up applications such as reserved matters or discharge of conditions. Definition of 'strategic' developments can be found within the Council's Scheme of Delegation: Section 9-Terms of Reference and can be viewed at [https://www.maldon.gov.uk/downloads/download/8082/terms\\_of\\_reference](https://www.maldon.gov.uk/downloads/download/8082/terms_of_reference)
- 5.18 In all instances PPAs are clear in that they are entered into without prejudice to the formal consideration of all planning applications.

### **Planning Advice and Information**

- 5.19 The Council offers householder application planning advice via a Duty Planning Officer, who will be available by telephone or in person at the Council offices. For times and availability, refer to the Council's website at [www.maldon.gov.uk](http://www.maldon.gov.uk).
- 5.20 The duty planning officer will be able to provide informal advice:
- Whether planning permission is required or if permitted development rights apply (should you require a formal written response then you will need to apply for a Lawful Development Certificate); and
  - General information and advice on national and local planning policy and processes.

They will not:

- Provide an opinion on whether planning permission would or would not be granted (this would be chargeable pre-application advice);
- Discuss the detail of current large or complex proposals (such enquiries should be referred to the case officer);
- Discuss the technical merit of applications, refusals or appeals;
- Agree to any minor amendments to planning permissions;
- Discuss enforcement enquiries (such enquiries should be referred to the Enforcement team);
- Discharge any planning conditions of a decision notice; and

- Grant immunity from enforcement.

### **Planning Application Stage**

5.21 In addition to the specific consultation measures identified above for large-scale development proposals, all planning applications are recorded by the Council as the Local Planning Authority. Details of all planning applications from approximately 2004 are available to view via the Council's planning application search facility at:

<https://publicaccess.maldon.gov.uk/online-applications/>,

This includes the application documents, planning decisions, important dates and contact details. Decision notices from approximately 1992 are also available to view via this facility. Decision notices dated pre-1992 can be viewed upon request to the Council.

5.22 The Council's website also contains weekly lists of all planning applications and decisions made, committee agendas and reports, and a list of appeals and appeal decisions at:

<https://publicaccess.maldon.gov.uk/online-applications/search.do?action=weeklyList>.

5.23 Weekly lists of applications are provided for publicity purposes to:

- Amenity societies;
- Local newspapers;
- Local radio;
- Parish and Town Councils
- Other interested parties are consulted at the discretion of the LPA. Any interested parties can request to receive a weekly list of planning applications

5.24 Once an application has been received by the planning service, it will be verified for validation purposes. To make a valid application, there are statutory and local information requirements which apply to each application type. A valid application must consist of:

- Information requested on the standard application form;
- Statutory national information requirements, including a design and access statement if required; and
- National and local application requirements.

5.25 Upon receipt of applications, the Local Planning Authority is obliged to undertake a publicly and statutorily required consultation. Statutory and specialist bodies are consulted as set out in Schedule 4 of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).

Such statutory consultees include neighbouring authorities, Natural England (<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>), and

Historic England (<https://historicengland.org.uk>) and other organisations.

5.26 The Town and Country Planning (Development Management Procedure) Order 2015, including the amendments set out in Part 2 of the Town and Country Planning (Local Authority Consultations etc) (England) Order 2018, sets out the publicity and notification requirements for planning applications and is supplemented by other legislation in some cases.

5.27 Statutory and local publicity requirements for planning and heritage applications include the following:

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order	-	X	X	X
Nationally Significant Infrastructure Projects (NSIPs) (to be determined at a Central Government level by the Planning Inspectorate)	-	-	X	X
Application subject to Environmental Impact Assessment which are accompanied by an Environmental Statement	X	-	X	X
Applications which do not accord with the Local Development Plan	X	-	X	X
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applied	X	-	X	X
Applications for planning permission not covered in the entries above e.g. non-major development	X	-	X	X
Certain prior notification for telecommunication installations under the terms of Part 16 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	X (Only if Article 8 applies e.g. affects a public right of way or development exceeding 1 hectare)	X
Prior notification for larger householder extensions under the terms of Class A	-	X	-	-

<b>Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended)</b>				
<b>Prior approval applications for the change of use of buildings under the terms of Part 3 of the Town and Country (General Permitted Development) Order 2015 (as amended)</b>	-	X	-	-
<b>Applications for listed building consent where works to the exterior of the building are proposed</b>	-	X	X	X
<b>Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building</b>	X	-	X	X
<b>Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.</b>	X	-	X	X
<b>Lawful Development Certificate, Works to Trees in Conservation Areas or covered by a Tree Preservation Order, Certificates of Appropriate Alternative Development, Hazardous Substances Consent, Prior Notifications for Agricultural Works and Buildings, Demolitions or Railways and County Matters</b>	-	-	-	-

Table 5.1 Statutory and Local Notification Requirements for Planning Applications

- 5.28 Whilst the above represents the statutory requirement, the Local Planning Authority will normally notify all neighbouring properties by letter of planning applications where the neighbouring property abuts an application site, regardless of whether this is statutorily required or not. Additionally, other properties where development has potentially wider impacts may be notified, this will be dependent on the type and scale of development and its cumulative impact on the surrounding areas and will be applied at the discretion of the Local Planning Authority.
- 5.29 The Council will send notifications of planning applications via a letter, outlining the address of the development, a description of the proposed development, information on how to make a representation and the contact information and name of the planning

officer in charge of the application. Representations will be accepted for 21 days after the date on which notice is given, (discounting Public Holidays from those 21 days, in most cases) although any representation received after this date will usually be accepted if received before the application is determined. Representations can be submitted by:

- Writing to us at: Planning Services, Maldon District Council, Princes Road, Maldon CM9 5DL;
- Email: [Planning@maldon.gov.uk](mailto:Planning@maldon.gov.uk); or
- Online: <https://publicaccess.maldon.gov.uk/online-applications>

The use of the online facility is the preferred method of receiving representations with respect to planning applications. To be accepted, all representations made to the Council must include contact details of the respondent.

5.30 For representations to be given weight when an application is assessed they must relate directly to planning matters known as material considerations. For example, this might include:

- Any harm to the amenities of residents caused by noise, smell, loss of light and overlooking
- The visual impact of the proposed development
- The effect of the proposal upon the enjoyment of your home or garden
- The impact on the appearance of the surrounding area and upon highway safety

It should be noted that comments made in relation to property values are not able to be given weight and that the Local Planning Authority has no ability to act in relation to neighbour disputes or The Party Wall Act 1996.

5.31 All representations submitted will be kept as part of the public record and will be made available to view by any person on request. The Local Planning Authority may use its discretion to make representations available to view on the Council's website, either in full, redacted or summarised.

5.32 Under delegated powers, the Director of Planning and Regulatory Services is able to make decisions on certain categories of planning application. Additionally, Members can ask for particular applications affecting their Ward to be referred to a committee for decision.

5.33 Members of the public have the opportunity to put their views on planning applications direct to meetings of the Planning and Licensing Committee and the three Area Planning Committees. For more information on public speaking at Area Planning committee meetings, see:

<https://democracy.maldon.gov.uk/documents/s4350/Public%20Speaking%20Guidelines%20-%20Planning%20Committee%20Meetings%20November%20202106.pdf>

### **Notification of a Decision**

- 5.34 Unless agreed in writing by the Local Planning Authority, all non-major planning applications are to be decided within eight weeks, whilst major applications have an increased time frame of up to 13 weeks. Applications that are accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 should be decided within 16 weeks.
- 5.35 Once a decision has been made on a planning application, an Officer's report will be published. The report will provide information on the following:
- A description of the application and site;
  - A review of local and national planning policies, which the application has been held against;
  - An analysis of representations made through public consultation; and
  - The Officer's recommendation for approval or refusal.
- 5.36 When a decision is reached, those making representations are advised of the decision within 10 days by letter or email. This will state whether the application has been approved or refused and will advise that the full decision may be viewed on the Council's website.

### **Appeals**

- 5.36 Only applicants may appeal against a decision made by the Local Planning Authority. Appeals can relate to a decision to refuse a planning application or against the non-determination of any application within 8 weeks (for minor applications) and 13 weeks for major applications. It is not possible for 'third party' observers to appeal a decision. Should an appeal be made against the decision, all representations are forwarded to the Planning Inspectorate.
- 5.37 All those making representations are advised of the appeal and that further representation may be made direct to the Planning Inspectorate. For further details, please consult the Council's website ([www.maldon.gov.uk](http://www.maldon.gov.uk)) or seek advice from the Planning and Regulatory Services.
- 5.38 The Planning Inspectorate will consider all written evidence that is made available and a decision is expected to be made within 19 weeks from the date of the notice of the decision or determination giving rise to the appeal.

## **6 Permission in Principle**

- 6.1 Permission in principle is an alternative two stage process for obtaining planning permission for housing-led development. It separates the first 'permission in principle' stage - which establishes whether a site is suitable in-principle - and the second 'technical details consent' stage when the detailed development proposals are assessed.

- 6.2 There are two types of permission in principle, via the Council's Brownfield Land Register (see [www.maldon.gov.uk/BLR](http://www.maldon.gov.uk/BLR)) or via application. All consultations, notifications, publicity requirements and procedures to be undertaken for Brownfield Land Register applications is set out in the Town and Country Planning (Brownfield Land Register) Regulations 2017, and the Town and Country Planning (Permission in Principle) Order 2017 (as amended) sets out the relevant information for other types of application. But in general, the Local Planning Authority must consult the same consultees as they would for comparable planning applications (see paragraph 5.24).
- 6.3 Permission in principle only applies to the types of development set out in the Permission in Principle PPG, 2018, 004. Applications should be consistent with the other parts of the PPG and national policy and the requirements of national legislation identified above. All applications must be in accordance with the development plan unless material considerations indicate otherwise.
- 6.4 The Council will grant permission in principle for a valid application within 5 weeks of receipt or by entering a valid site in Part 2 of its Brownfield Land Register (see [www.maldon.gov.uk](http://www.maldon.gov.uk)). Permission in principle covers the location, land use and amount of development. A technical details consent (which covers all other matters) must still be approved, before development can begin. The Local Planning Authority will consider all applications for technical details consent in accordance with the permission in principle granted for that site.
- 6.5 Should permission in principle be granted the permission will last 3 years, unless the site is added to the Brownfield Land Register, where the permission will last for 5 years. Applications for technical details consent must be determined by the Local Planning Authority within the planning permission period.
- 6.6 The Council will grant technical details consent within 10 weeks of receipt for a major development and 5 weeks for other forms of development.
- 6.7 Where the Council decides not to enter a site in Part 2 of the Brownfield Land Register, the applicant is unable to appeal. But an applicant can appeal the refusal of permission in principle sought via a valid application. An application for technical details consent may also be appealed on grounds of non-determination, refusal or against any condition imposed. The same process for appeals against other types of planning application will be used (see paragraph 5.36).

## **7 Monitoring and Review**

- 7.1 The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017 requires the Council to undertake an assessment of the SCI every five years, starting from the date of adoption, to see whether it is being effective. This could result in a partial or full review of the SCI. Changes in national legislation or guidance, and/or a review of the LDP may trigger a review of the SCI.

Should a review be required stakeholder and community engagement will take place on the draft SCI.

### **Data Protection**

- 7.2 Maldon District Council takes data protection seriously and takes all appropriate measures to protect your personal information and comply with data protection law, including the General Data Protection Regulations (GDPR). We do not share any personal data with marketing companies.
- 7.3 When we collect your data, we will provide you with a Privacy Notice which details the lawful basis that we will use to collect your data, who we will share it with (if appropriate), your rights, and how you can contact us about your data.
- 7.4 If you have any questions about how we use personal data, please contact our Data Protection Officer, [dpo@maldon.gov.uk](mailto:dpo@maldon.gov.uk) or see our website [www.maldon.gov.uk/terms](http://www.maldon.gov.uk/terms).

## APPENDIX 1

### Community-Led Planning Guidance

There are eight key stages in producing a Neighbourhood Plan:

#### 1. Designating a Neighbourhood Area

The first formal step in neighbourhood planning is the submission of the proposed Neighbourhood Area to the local planning authority for designation. For town or parish councils, there is a strong presumption that the Neighbourhood Area will be the same as the town/parish boundary. However, they may choose a smaller and more focused area, such as a town or village centre, or adjacent parish/town councils may agree to work together to produce a joint Neighbourhood Plan. If the Neighbourhood Area is the same as the parish/town council area, it is designated without needing a public consultation. If the proposed Neighbourhood Area is not the same area as the parish/town boundary, then there will be a 6 week public consultation.

#### 2. Neighbourhood Plan Steering Group

Due to the amount of work involved in producing a Neighbourhood Plan, parish/town councils are advised to set up a steering group to undertake the project. A successful steering group should question, provide ideas and have a useful distance and perspective to assist the community in preparing the Neighbourhood Plan.

There is no required size for a steering group but it is advisable for the group to include a wide range of people with different skills and experience from across the community, and may include local councillors, residents, local businesses and community organisations. The parish/ town council is ultimately responsible for the production of the Neighbourhood Plan and the steering group must report to the parish/town council on a regular basis and receive ongoing endorsement.

#### 3. Gathering Baseline Information

Once the Neighbourhood Area has been designated, it is time to begin the initial research. It is important to be aware that in preparing the Plan, any planning policies and proposals need to be based on a proper understanding of the place and community they relate to, if they are to address local issues effectively. It is therefore important that Neighbourhood Plans are based on robust evidence.

The District Council has a number of evidence base studies for the Local Development Plan which may be useful for a Neighbourhood Plan, and can give advice on which documents would be relevant. A review of these documents and existing evidence should be undertaken at the beginning of the process as it may be necessary to develop new evidence (or update existing evidence) at the neighbourhood level. This could include:

- **Economic:** business surveys, viability, vacancy/floor space survey, available sites survey, land values, employment need survey, etc.
- **Social/Community:** housing needs survey, audit of community facilities, 'Building for Life' assessment of housing, etc.

- **Environmental:** heritage audit, conservation area appraisals, review of local heritage assets lists, urban design analysis, open space survey & analysis, etc.
- **Infrastructure:** transport linkages, schools' capacity, transport capacity analysis, traffic/ pedestrian flow surveys, etc.

After the evidence base is reviewed, parish/town councils can start to identify potential policy directions and issues for the Neighbourhood Plan to address. It is recommended at this stage there is an initial public consultation event to identify the issues the community would like to see included in the Plan. For this consultation, it may be useful to use the issues already identified to spark the discussion, as well as suggesting some options which the community can comment on and build on. This early engagement with the community will help to define an overall vision of the Plan, identify local issues and to start to create a sense of wider ownership for the Plan. It may also identify whether there is sufficient support locally for a Neighbourhood Plan.

Once this initial stage is completed, the information should be compiled into a Baseline Report which will show the consultation process to date and the issues identified through research and community consultation.

If the research identifies that the Neighbourhood Plan needs to allocate land for development, a 'call for sites' must be held. This is a local consultation that enables local landowners or developers with a land interest to put forward sites they wish to be considered for development in the future. The resulting list of sites can then be objectively assessed to identify which sites are appropriate for allocation. The Council can provide advice on the assessment process. The results of the call for sites consultation need to be collated and made publicly available. A summary of the call for sites consultation needs to be included in the consultation statement. Once the sites have been assessed, the results are collated into a report that is published with the draft Plan.

#### **4. Ensuring that consideration of environmental effects are part of the process**

Planning Practice Guidance (<https://www.gov.uk/guidance/neighbourhood-planning--2>) (last updated 22 February 2018) makes it clear that a sustainability appraisal should be an integral part of the plan preparation process, including Neighbourhood Plans. This will form part of the evidence base supporting the policies and allocations in a Neighbourhood Plan.

A Habitats Regulations Assessment (HRA) screening opinion will need to be sought for an early draft of the Plan, as well as at the pre-submission and submission consultation stages. The screening opinion will establish, at an early stage of plan-making, whether any of the policies or proposals in the emerging Plan are likely to cause significant environmental effects. This exercise involves consulting the three statutory agencies (Natural England, Historic England, Environment Agency) (5 week consultation period) on the screening opinion and publicising its findings on whether or not a further environmental assessment is required. This consultation can be undertaken by the parish/town council, or on request, the District Council. If the District Council undertakes this, the outcome of the process will be reported to the steering

group. The HRA screening opinion is a key element that goes towards demonstrating that the Plan meets the basic conditions. Further information of the HRA process can be found at [www.gov.uk](http://www.gov.uk)

## 5. Writing the plan

Policies in the Neighbourhood Plan must be planning related and should provide a practical framework within which decisions on planning applications can be made. It is important that any policies are local in nature, do not conflict with the District Council's Local Development Plan, are based on evidence and are able to be funded and delivered. The plan period will normally be 15 years.

If the parish/town council wishes to cover issues which are not planning related, such as speed restrictions, road widening and/or other more aspirational projects where no delivery mechanism can be identified at this stage, they can be included in a separate section in the Plan, but cannot form local policy.

There is considerable flexibility over how a Plan can be structured and written. The following are suggestions:

- **Vision and Aims** - These can relate to a wide range of planning and regeneration matters – social, economic and environmental. The vision and aims of the plan can then be translated into detailed policies, guidance and proposals
- **Planning Policies** – Planning applications will be determined in accordance with the Local Development Plan's policies unless material considerations indicate otherwise, for example, local evidence. The policies in the plan are usually supplemented by explanatory text. Illustrations can be used to help explain the policies and give the plan local context.
- **Site Allocations and Community Proposals** – Although not a requirement, Neighbourhood Plans are encouraged to identify key sites for specific kinds of new development, such as housing, community facilities, retail, employment or mixed uses.

It is strongly advised that an early draft is sent to the District Council's planning policy team who can provide advice and guidance regarding the policies. It is this point that a request for a screening opinion can be made.

## 6. Pre-submission (Regulation 14) consultation

It is a legal requirement that the proposed Neighbourhood Plan, as well as the screening opinion and an environment report (if required), are subject to a six week public consultation. It is recommended that the consultation statement is published alongside the draft Plan. It may be useful to produce a concise summary of the draft Plan for those who do not wish to read the full document.

After the consultation, a report must be produced summarising the comments received, issues raised by those comments and describing if and how the Plan has

been modified in response to the issues raised. This information is added to the 'Consultation Statement' which is a legal requirement for all Neighbourhood Plans.

## **7. Submission, examination and modifications**

Following any amendments resulting from the pre-submission consultation, the Neighbourhood Plan is submitted to Maldon District Council. This is the version of the Plan the parish/town council want to be adopted. The submission to the local planning authority must include:

- A map or statement, which identifies the neighbourhood area
- A consultation statement
- The proposed neighbourhood plan
- A statement on how the plan fulfils the basic conditions

The submission can also include any other supporting documents, such as the site assessment results, sustainability appraisal, etc, that the parish/town council want the Examiner to consider at the Examination.

The District Council, will consult the statutory bodies on the screening opinion for this version of the plan, and organise the six week Regulation 16 consultation. All the responses and a summary of the responses are collated for the Examiner.

An Independent Examiner will be appointed by the District Council, in agreement with the parish/town council, to undertake the Examination. The Examination will consider the submitted documents and any comments made during the Regulation 16 consultation. The Examiner will assess whether the Plan meets the 'basic conditions' and other relevant legal requirements (e.g. consultation). Neighbourhood Plan Examinations rarely need to have hearing sessions.

The Examiner will decide:

- whether the Plan can proceed to Referendum or not. If the Plan meets the basic conditions, the Examiner will recommend that the Plan proceeds to the Referendum;
- whether the Plan does not meet the basic conditions, but modifications can be made to rectify this, they will recommend that modifications are made, and once made, the Plan can proceed to Referendum: or
- whether the plan does not meet the relevant legal requirements, and these cannot be rectified through making modifications to the Plan, then they will recommend that it does not proceed to the Referendum.

If modifications are needed, the District Council must make modifications to the Plan if it will enable the Plan to comply with the 'basic conditions'. The parish or town council may withdraw the Plan if it is unhappy with the modifications being made.

## **8. Referendum and adoption**

If the plan complies with the key legal requirements, with modifications if necessary, then the District Council will arrange for a local Referendum to take place. At least 28 working days' notice of the Referendum will be given.

Good consultation at all Plan stages will ensure that the electorate know about the Plan and the Referendum and are able to make an informed choice on the day of the vote.

If more than 50% of those voting in the Referendum vote 'yes', then the Plan immediately comes 'into force' and will be used to determine planning applications and guide planning decisions within the Neighbourhood Area. Soon after the Referendum the District Council will 'make' the Plan, publishing it and any supporting documents as required by the Regulations. These will be provided to the parish/town council electronically for inclusion on the parish/town council or Neighbourhood Plan website. Following a positive referendum result, a Neighbourhood Plan becomes part of the development plan for the District and has the same legal status as a Local Plan.

Further information can be found at

[www.legislation.gov.uk](http://www.legislation.gov.uk)

Localism Act 2011

The Neighbourhood Planning (General) Regulations 2012 (as amended 2015, 2016, 2017)

The Neighbourhood Planning (referendum) Regulations 2012 (as amended 2013, 2014, 2016)

Neighbourhood Planning Act 2017

Neighbourhood Planning PPG: [www.gov.uk/guidance/neighbourhood-planning—2](http://www.gov.uk/guidance/neighbourhood-planning—2)

## GLOSSARY

<p><b>Affordable Housing</b></p>		<p><b>Affordable housing:</b> housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:</p> <p>a) <b>Affordable housing for rent:</b> meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).</p> <p>b) <b>Starter homes:</b> is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household’s eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.</p> <p>c) <b>Discounted market sales housing:</b> is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.</p> <p>d) <b>Other affordable routes to home ownership:</b> is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.</p>
<p><b>Authority Monitoring Report</b></p>	<p>AMR</p>	<p>A mechanism for assessing performance of policies contained within the Local Development Plan.</p>
<p><b>Building Research Establishment Environmental Assessment Method</b></p>	<p>BREEAM</p>	<p>An environmental assessment and rating method for buildings recognised nationally and abroad. The assessment evaluates a buildings specification, design, construction and use and aims to encourage low carbon and low impact design, to minimise energy use and maximise the use of low carbon technologies.</p>
<p><b>Community Infrastructure Levy</b></p>	<p>CIL</p>	<p>A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their</p>

		area.
<b>Community Right to Bid</b>		Community groups can nominate both privately and publicly owned assets to be included on a list of assets of community value. This list is managed by the council. If a landowner wants to sell a registered property, they must tell the council. If a community group wants to buy the asset, they can trigger a 6 month moratorium to give them a chance to prepare a bid for it. During this period, the owner cannot sell their property on the open market. This gives community groups an opportunity to develop a proposal and raise the required capital. At the end of the 6-months, the owner is free to sell the asset to whoever they wish and at any price. Also known as Assets of Community Value.
<b>Community Right to Build</b>		An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.
Development Planning Document	DPD	A planning policy document which make up the Development Plan. They help to guide development within a local planning authority area by setting out planning policies, which are use to allocate land and make decisions on planning applications.
<b>Developer contributions</b>		Developer contributions, also known as planning obligations, can be secured via a Section 106 legal agreement or planning condition attached to a planning permission. They help mitigate any adverse impacts generated by new development on infrastructure and facilities.
Habitats Regulations Assessment	HRA	A Local Plan evidence base document that tests the impacts of a Local Plan or development proposal on nature conservation sites of European importance and is a requirement under EU legislation.
<b>Local Development Plan</b>	LDP	The plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the community. This is described as a Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004.
Local Development Scheme	LDS	A project plan setting out the planning policy documents the Council will produce in the next year.
<b>Major Development</b>		A proposal of 10 or more dwellings or a site area of 0.5 hectares or more, or non residential development is for 1,000 square metres or more of floorspace, or has a site area of 1 hectare or more.
<b>National Planning Policy Framework</b>	NPPF	Sets out the Governments planning policies for England and how these are expected to be applied.
<b>National Planning Practice Guidance</b>	PPG	A web-based resource provides more detailed guidance on the contents of the NPPF.
<b>Neighbourhood Plan</b>		Formally introduced under the Localism Act 2011, a neighbourhood plan is prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.
<b>Sustainability Appraisal</b>	SA	A document which assesses the social, environmental and economic effects of the strategies and policies in a Development Plan Document from the outset of the process.
<b>Statement of Community Involvement</b>	SCI	A document which sets out the standards to be achieved by the Council in involving the community in the preparation, alteration and review of planning policy documents and

		planning applications.
<b>Strategic Environmental Assessment</b>	SEA	A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.
<b>Supplementary Planning Document</b>	SPD	Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.