

Maldon District Council

2021 Statement of Community Involvement

September 2021

(temporary front cover)

IMPORTANT

Due to the Covid-19 health emergency, the rules for publicity and availability of documents has temporarily changed.

Local Development Documents:

Draft planning policy documents, such as a Local Plan, Neighbourhood Plan or Supplementary Planning Document will not be available for inspection at the Council's offices or other locations in the District. Neither will hard copies of documents be available. These temporary changes will apply until 31 December 2021, unless the regulations change.

Development Management and Listed Building consents:

The Regulations provide temporary flexibilities for local planning authorities, the Secretary of State or inspector, applicants or appellants (as applicable) to use alternative methods if they are not able to comply with the usual requirements to publicise information or provide a physical address where documents can be inspected or copies obtained because it is not reasonably practicable to do so for reasons connected to the effects of coronavirus. Alternative methods of publicity can include use of social media and other forms of electronic communication and the documents may be made available on a website. These temporary changes will apply until 31 December 2021, unless the regulations change.

The regulations also extend temporary flexibilities in relation to publicity for planning applications (relating to site notices, the sending of notices to individuals and local newspaper notices) until 30 June 2021.

The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020

<https://www.legislation.gov.uk/uksi/2020/505/contents/made>

Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 available at:

<https://www.legislation.gov.uk/uksi/2020/1398/contents/made>

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Introduction

Background

- 1.1 **This Statement of Community Involvement (SCI) sets out what consultation will take** place when we are developing and reviewing our planning documents and determining planning applications. It also provides information on the support the Council can give to communities preparing neighbourhood plans or neighbourhood development orders.
- 1.2 The planning system 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 the opportunity to participate in the Plan and decision making processes, offering their ideas and influencing future development in the District.
- 1.3 Local Authorities are required to update their SCI every five years. Therefore, the Council reviews the SCI on a regular basis to ensure its approach to community involvement remains both efficient and effective. Maldon District Council adopted its first Statement of Community Involvement in 2007; this 2021 SCI is the third update. The SCI complies with the Regulations and supports modern channels of communication between the Council, the residents and businesses of the District it serves. Once adopted, this SCI will replace the 2018 SCI and its 2020 Covid-19 addendum.
- 1.4 The community can get involved in local planning matters through the following:
- Commenting on planning applications;
 - Commenting on draft Planning Policy documents;
 - Contributing towards the creation of a Neighbourhood Plan,
 - Notifying the Council about breaches of planning control.
- 1.5 The SCI will be used as a framework for consultation and engagement by the Council to help guide approaches to consultation for the production of planning policy documents and planning applications.

Please note, no policy in this statement shall apply if, as the result of an epidemic/pandemic, advice from the Government or the Director of Public Health is issued which makes it impossible or inadvisable to comply with any policy in this statement.

Corporate Plan 2021-2023

- 1.6 **The SCI supports the Council's Corporate Plan. This sets out the Council's core** values; those most relevant to the SCI are:
- Have a customer focus;
 - Be respectful to others;
 - Act ethically and with integrity;
 - Be open and transparent; and
 - Be accountable for our actions.
- 1.7 The Corporate Plan is focused on addressing the challenges faced by the District and its communities. The Plan's outcomes most relevant to the SCI are:
- Governance – Delivering a robust corporate and political governance framework for sound decision-making
 - Technology – meeting the needs of our customers effectively and efficiently and reducing our carbon footprint by deploying appropriate technological solutions;
 - Meaningful Engagement – using engagement with our residents, businesses, partners and staff to inform our decision-making.

Consultation Principles

- 1.8 **The benefits of consultation and engagement are a better informed Council and community, leading to healthy and open relationships, and better decision making.** The Council will seek to work to high standards of public consultation by committing to the following principles outlined below.

Figure 1 - The Maldon District Consultation Principles



Open and Fair

We will give enough information and reasoning to allow you to make an informed response and we will give sufficient time for responses to be made, taking into account any statutory time requirements.

Appropriate, Meaningful and Relevant

We will deliver meaningful consultations, proportionate to their complexity, using Plain English and explaining technical terms.

Honesty and Integrity

We will be clear about the scope of our consultations, so that those responding are aware of what they are able to influence. We will clearly show how public and stakeholder views have been considered.

Equality and Diversity

We will ensure that all our consultations are fair and open, taking into account the needs of all sectors of the community relevant to the consultation.

Responsibility and Accountability

We will ensure that all comments made in relation to our consultations are considered carefully when decisions are made, where appropriate publishing reports that explain key issues raised and how the consultation influenced the decision.

New Technology and e-consultation¹

We will look to make best use of technology in the way we advertise consultations, provide information and collect comments from participants.

Climate Emergency

The Council is working on measures relating to the climate change emergency and the SCI has considered how it can contribute to this through the use of technology and reducing resource use.

How to make your comments count

1.9 **When you make comments on policy consultations or planning applications, it is important to remember that the Council can only consider planning issues in their decisions. To make your comments count, focus on planning related issues. The list below is not exhaustive, but shows some common examples:**

- Adequacy of parking/loading/turning
- Archaeology
- Climate change
- Conflict with planning policies
- Design, appearance and materials
- Disabled access
- Education impacts
- Effect on Listed Buildings and Conservation Areas
- Flooding and water management
- Green Infrastructure
- Hazardous materials
- Health impacts
- Highway safety
- Impact on nature conservation / environment
- Landscaping
- Loss of light/overshadowing
- Loss of privacy/overlooking
- Loss of trees
- Noise and disturbance resulting from use, including comings and goings
- Previous planning decisions (including appeal decisions)
- Proposals/policies in the Development Plan
- Residential amenity
- Road access
- Smells (fumes/odour)

¹ Weblinks in this document were correct at time of writing (August 2021). If websites are updated or changed, these links may stop working,

- Traffic generation
- Visual amenity (but not loss of private view)

1.10 The Council cannot consider matters which are not planning related, such as:

- Any representations which are libellous, racist or offensive
- The racial or ethnic origin of the applicant, their sexual orientation, religious beliefs, political views or affiliations or any other personal attributes
- Applicant's motives
- Boundary disputes
- Fence lines
- Impact during construction (where proposals have a Construction Management Plan)
- Loss of property value
- Loss of trade and competitors
- Loss of view (as opposed to obstruction impacting on amenity)
- Ownership disputes over rights of way
- Personal morals or views about the application
- Private disputes between neighbours
- Restrictive covenants
- Behaviour of the applicant
- Nuisance previously caused by the applicant (unless this relates to an existing development for which retrospective permission is being sought)
- Concerns about possible future development of the site, rather than the development being proposed

Community Involvement in Planning Policy

- 2.1 **The government is clear that councils should make Development Plans setting out the council's vision for the district and delivery objectives.** The main Development Plan document for our district is the approved Maldon District Local Development Plan. Details can be found at: www.maldon.gov.uk/ldp . The Development Plan also includes the Minerals Local Plan 2014 (MLP) and the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP), and made Neighbourhood Plans. The policies within the Local Plan are the legal tools with which the council can manage growth and change to ensure new development is sustainable.
- 2.2 The National Planning Policy Framework sets out the Government's planning policies for England and how they should be applied. The NPPF must be taken into account in preparing the Local Plan and is a material consideration in planning decisions. This section will set out how the Council involves the community in preparing planning policy documents, based on the vision and standards outlined above, and the statutory requirements for consultation. The NPPF is available at: <https://www.gov.uk/guidance/national-planning-policy-framework>
- 2.3 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: https://www.maldon.gov.uk/info/20048/planning_policy/9712/approved_local_development_plan_21_july_2017
- 2.4 For all consultations on the Local Development Plan Review and new Supplementary Planning Documents, the draft documents will be available on the Council's website www.maldon.gov.uk . When it is legal and safe to do so, copies will be available at the Council's offices in Princes Road, Maldon CM9 5DL, and at other suitable places, called 'deposit points,' in the District (see notice at the front of the SCI).

- 2.5 If you need planning policy documents in other formats, please use the online contact form on the Council's website (www.maldon.gov.uk) or contact us by phone on 01621 854477 or email: Policy@maldon.gov.uk and we will try and help you.
- 2.6 How the Council involves the local community and statutory consultees will vary depending on the type of planning policy document being produced.
- 2.7 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 Plan²/Development Plan Document

- 2.8 **We will use the Council's website, social media and the local press to inform people** of planning policy consultations. Statutory consultees and other consultees on the planning policy mailing list will be contacted directly. You will be able to respond online, by email to policy@maldon.gov.uk or by post to Maldon District Council, Princes Road, Maldon, Essex CM9 5DL. For some community or business groups, who may be harder to reach using the above lines of communication, the Council can arrange group meetings or sessions. These will be considered on a case by case basis.

Stage 1 'Preparation of Local Plan (Regulation 18)' or Development Plan Document (DPD)

- 2.9 Community engagement is vitally important to the plan preparation process. Participation will be encouraged and consultation can help identify and understand the issues relating to the future of the District. At this stage the Council is required to invite representations on what the Local Plan or DPD ought to contain. This could be through an 'Issues and Options' style consultation and/or through a consultation on a 'Preferred Option' or draft Plan. The consultation will be at least 6 weeks long.

Stage 2 'Publication of proposed Local Plan (Regulation 19)'

- 2.10 The Council will undertake a final consultation (for at least 6 weeks³) on the draft Local Plan before submitting the Plan to the Government. (This is called the Pre-Submission Plan). A statement of representation procedure will be published, which will explain where the draft Plan can be inspected and how people can comment on it. At this stage, all the comments we receive will be submitted with the draft Local Plan and its supporting documents to the Government for Examination in Public by a Planning Inspector.
- 2.11 After this consultation 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 Independent Examination

- 2.12 The Government will appoint a Planning Inspector to carry out the Independent Examination. This is also called an Examination in Public (EiP). For this Stage, the Council is a participant. A Programme Officer will be appointed to represent the Inspector and coordinate all correspondence relating to the Examination. The Inspector will decide who needs to be involved and they will be contacted by the Programme Officer. We will however keep our website updated with all relevant documents, so they can be viewed, and we will use our website and social media to keep people informed of key stages during the Examination.
- 2.13 Once the 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

² In the Maldon District, this is also known as the Local Development Plan or LDP

³ The consultation period is to be not less than six weeks from the day the Statement of Representations Procedure is published: Reg 17 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

has made a representation. The Inspector will give all parties time to respond to the MIQs. All these responses will be published on the Council's website.

- 2.14 The Examination will take into account the submitted Local Development Plan, supporting evidence, representations, written statements and discussion at each hearing session. This enables the Inspector to judge if the Plan meets the legal requirements and is 'sound'.
- 2.15 The Inspector has the right to call people and organisations 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.

Stage 4 Adoption

- 2.16 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 make recommendations for further modifications to the Plan to make it '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.
- 2.17 Once the examination is finished and the Local Plan is adopted by the Council we will use the Council's website, social media and the press to notify people of its legal adoption.
- 2.18 Once adopted, all Local Plans must be reviewed every five years. The review will consider whether the Plan remains effective, or if a full or partial update is required.

Supplementary Planning Documents (SPDs)

- 2.19 **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 4 weeks. Normally we will consult for 6 weeks on a draft SPD. The approach to consulting on a SPD will follow the approach outlined in paragraph 2.8. Once the consultation exercise has finished, the Council will consider all responses and where appropriate amendments will be made to the document.
- 2.20 On adoption, the Council will make available an adoption statement and a 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. Once adopted, SPDs will have material weight in decision-making on planning applications.
- 2.21 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 with the local community or be informed by public consultation, prior to adoption.

Community Infrastructure Levy (CIL)

- 2.22 **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. There are 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, and if required, amendments will be made to the charging schedule and/or its evidence-base. 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

- 2.23 **The 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.
- 2.24 The NPPF 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 through the Plan making process.

Using the results of consultation and feedback

- 2.25 **Representations made during formal consultation periods will be acknowledged**, recorded and summarised in the Consultation Statement. All representations will be published on our website with your name/company name – all other personal information will be redacted, once the consultation exercise has ended. All representations made must include contact details. Representations that are marked confidential, anonymous, are received after the consultation has closed will not be accepted.
- 2.26 All consultation responses will be analysed carefully. Using the local knowledge, experiences and views of respondents will enable more effective and efficient policy to be put in place. All representations will be considered and used to inform decisions and/or shape the documents, alongside Government legislation, national planning policy and guidance, and other evidence.

Availability of Documents

- 2.27 **Draft policy documents, adopted Development Plan Documents, Supplementary Planning Documents, Neighbourhood Plans and other documents such as the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI) will be made available on the Council's website at www.maldon.gov.uk.**⁴
- 2.28 Normally, consultation documents can be inspected at the Council's office and other suitable deposit point in the District (such as libraries), and hard copies would be available on request. However, due to the Covid- 19 pandemic, documents will not be available for inspection and hard copies are not available. This restriction applies until 31 December 2021, unless the regulations change during the year⁵ (see notice on page 1)

⁴ LDP and LDS are available at www.maldon.gov.uk/LDP; SPDs www.maldon.gov.uk/spd ; Neighbourhood Plans https://www.maldon.gov.uk/info/20048/planning_policy/8112/community_led_planning_and_neighbourhood_plans ; SCI

https://www.maldon.gov.uk/info/20048/planning_policy/9727/maldon_district_statement_of_community_involvement

⁵ Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020

Community Involvement in Neighbourhood Planning

- 3.1 **Neighbourhood planning gives communities another way to shape development in their** local area. Neighbourhood Plans set out planning policies prepared by parish councils, or neighbourhood or business forums. We will support communities undertaking neighbourhood planning. This will include sharing information, providing guidance and making arrangements for any Examination and Referendum.⁶
- 3.2 Communities can also prepare other documents such as town or village design statements, which can show how they see their area responding to change and provide design guidance. These can form part of a Neighbourhood Plan and carry statutory status or they can be prepared as stand-alone documents, which if endorsed by the District Council, will be used as material considerations in determining planning applications.

Neighbourhood Area

- 3.3 **Before a Neighbourhood Plan can be produced, the Parish Council proposing the** production of a Plan must apply to the Council for designation as a Neighbourhood Area. If a Neighbourhood Area is the same area as the parish, the Neighbourhood Area will be designated. Local communities will be consulted on the designation of a Neighbourhood Area, where the boundary is different to that of the local parish council. In these cases, we will publicise the proposed Neighbourhood Area, consult the adjoining Parish/Town Councils and relevant stakeholders and use the Council's website to inform people of the consultation process for this and to encourage people to respond online. The District Council will publicise the decision made on the application.

Preparation of a Neighbourhood Plan

- 3.4 **The Parish Council will lead in putting together the Neighbourhood Plan and they will** need to think about how best to involve the community. It is the parish/town council's responsibility to ensure that the local community is kept informed of progress on the Plan. Early engagement with relevant stakeholders, especially infrastructure providers and the District Council, is important throughout the Plan's preparation, to ensure the plan meets the 'Basic Conditions' (a set of legal requirements which a Neighbourhood Plan must meet if it is to be successful at the Independent Examination).
- 3.5 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 meaningful degree of community involvement.
- 3.6 The neighbourhood planning group must undertake a six-week consultation on a draft Neighbourhood Plan with the local community, interested parties, and the Council (the Regulation 14 consultation).

Submission and Examination

- 3.7 **Once this formal consultation has finished, the Parish Council or forum will finalise** the draft plan and submit the Neighbourhood Plan to the District Council. The Council will carry out its own formal consultation (the Regulation 16 consultation). We will publicise the consultation, directly notify relevant stakeholders, use the website and social media to inform

⁶ Information on neighbourhood planning is available at: <https://www.gov.uk/guidance/neighbourhood-planning--2> and <https://locality.org.uk/services-tools/neighbourhood-planning/>

the local community and key stakeholders of the consultation. As a public consultation, anyone can respond in the same way as for other planning policy consultations (see para 2.8). Where safe and legal to do so, copies of the draft Plan will be available at the Council's offices and at other relevant deposit points in the District (see notice on page 1).

- 3.8 All the comments we receive at this stage will be submitted along with the draft Neighbourhood Plan and supporting documents to an Independent Examiner. The Examiner will decide who needs to be involved in the Examination. We will use the website to keep people informed during the Examination.

Referendum

- 3.9 **After the Examination, if the Council decides the Neighbourhood Plan should be put** to a referendum we will publicise the decision and publish the Council's Decision Statement on the Council's website. The Information Statement (which provides information about the referendum and how to vote in it) and the referendum version of the Plan will also be published on the Council's website before the referendum. We will notify the people who are eligible to vote in the referendum. In the case of a Neighbourhood Plan, this is the people entitled to vote in a local government election in the Referendum area and have a qualifying address for the election in the Referendum area. Eligible voters will then get the opportunity to vote on whether or not the plan should be accepted.
- 3.10 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 forms part of the Maldon District Development Plan. The District Council will publicise the making of the Plan.

Other support offered by the Council

- 3.11 **In addition to the statutory requirements outlined above, the Council will provide** support for each Neighbourhood Plan during its preparation. 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 policies 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.
 - Arranging the Strategic Environmental Assessment / Habitats Regulations Assessment (HRA) screening opinion and the consultation with the statutory consultees.
 - 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), 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.
 - Essex County Council's 'Neighbourhood Planning Guide: Information, Help and Support' signposts relevant County Council services and information sources for

groups preparing Neighbourhood Plans (available at <https://www.essex.gov.uk/planning-advice-guidance/neighbourhood-planning-advice>).

Community Involvement in Development Management

- 4.1 **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. 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

- 4.2 **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 stage of the planning application process. All pre-application discussions will be held in private and therefore confidentiality will apply.
- 4.3 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.
- 4.4 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, for example, infrastructure providers, Essex County Council (for minerals and waste; highway matters; community infrastructure; sustainable drainage and sustainable travel), for technical advice that feeds into the discussions with developers.
- 4.5 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.
- 4.6 The Council will provide a 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 the developer should refer to, such as Masterplans or Neighbourhood Plans.
- 4.7 All strategic proposals must be presented to a meeting of both members and officers in order to commence early Member engagement. Strategic development proposals include:
- Any application of 75 dwellings or more; or any outline residential development proposals whose site is 2 hectares or more.
 - Any residential proposal promoted as an allocated site within the LDP.

- Any 100% Affordable Housing proposals of six dwellings or 0.3ha or more in outline form.
 - Any non-residential development proposal, whose floor area is 1,500 square metres or more or whose site area is 2 hectares or more.
 - Any non-residential proposals relating to development proposals allocated in the LDP.
 - Any retail development 1,000 square meters or more or which of 250 square metres or more and is proposed to be beyond existing town centres as defined in the local plan or emerging LDP.
 - Any mixed use development proposals whose site area is 2 hectares or more, or is of 75 dwellings or 1,000 square metres commercial floor area or more.
 - Any wind energy proposals whose output capacity is 1Mw or more or which proposes three or more turbines of 30m or more.
 - Any Solar energy proposals whose output capacity is 1Mw or more or which proposes 4,000 or more solar panels.
 - Energy from Waste Scheme which is 1KW capacity or more.
- 4.8 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.
- 4.9 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 one or more 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
- 4.10 The fee schedule for pre-application advice relates to Maldon District Council's services only. Essex County Council apply their own charges for attending pre-application meetings.

Nationally Significant Infrastructure Projects (NSIPs)

- 4.11 **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), the Government have an established infrastructure planning team within the Planning Inspectorate, who will be responsible for determining these applications. 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/>

Planning Performance Agreements

- 4.12 **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 the assigned officer will coordinate all of the Council's and its partners' activities, the length that the PPA will apply and the fee. PPAs can allow for a wider range of meetings, often topic based, so that the Council can provide the appropriate response and engagement to the developer's scheme and ensure that it is, as far possible, policy compliant and deliverable. Where appropriate, other parties, such as Essex County Council, may also be a party to a PPA.
- 4.13 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. See the pre-application section for the definition of 'strategic' developments.
- 4.14 In all instances PPAs are clear in that they are entered into without prejudice to the formal consideration of any application subsequently submitted.

Planning Advice and Information

- 4.15 **The Council offers householder application planning advice via a Duty Planning Officer.** For times and availability, refer to the Council's website: https://www.maldon.gov.uk/info/20046/development_management/9227/planning_advice_and_information/2
- 4.16 The duty planning officer will be able to provide **informal** advice:
- whether planning permission is required
 - to assist you with understanding what an application is proposing and the type of application
 - to direct you to the appropriate service if your enquiry does not relate to planning (e.g. Highways, Building Control or Environmental Health).
- 4.17 They will not:
- provide an opinion on whether planning permission may or may not be supported by officers (this would be chargeable pre-application advice)
 - discuss the detail of current large or complex applications
 - discuss the technical merits (principle, design, submitted reports, consultee responses, neighbour comments) of any applications, refusals or appeals
 - agree to any minor amendments to planning permissions
 - grant immunity from enforcement
 - discharge any planning conditions on a decision notice
 - carry out searches; such as whether Permitted Development Rights exist for properties, planning history of sites
 - answer questions or offer advice on national and local planning policy and processes except for where these may be related to householder applications (extensions, alterations, and outbuildings to residential premises)

Planning Application Stage

- 4.18 **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 (subject to the temporary restrictions outlined on page 1)
- 4.19 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>. 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
- 4.20 Once an application has been received by the planning service, it will be checked 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.
- 4.21 Upon receipt of an application, the Local Planning Authority is obliged to undertake a public consultation process (it should be noted that not all application types are subject to notification or consultations procedures). 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.
- 4.22 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.
- 4.23 Statutory and local publicity requirements for planning and heritage applications are listed in Table 1. (Due to the current health emergency, Regulations have relaxed the publicity requirements for planning applications. (Please see page 1))

Table 1 Statutory and Local Notification Requirements for Planning Applications (In 2021, these are subject to changes through Coronavirus legislation).

Type of development	Site notice	Site notice <u>or</u> 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 Part 1 of the Town and Country (General Permitted Development) Order 2015 (as amended)	-	X	-	-
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)	-	X	-	-
Applications for listed building consent where works to the exterior of the building are proposed	-	X	X	X

Type of development	Site notice	Site notice <u>or</u> neighbour notification letter	Newspaper advertisement	Website
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building	X	-	X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area.	X	-	X	X
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	-	-	-	-

- 4.29. The Council will arrange for site notices to be erected in a clearly visible and accessible location at or near the site subject of the application, outlining the address of the site, a description of the proposed development, information on how to make a representation and the contact information and name of the planning officer who is responsible for 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.
- 4.30. There are 3 ways you can comment on a planning application:
- Online: <https://publicaccess.maldon.gov.uk/online-applications>
 - Email: planning@maldon.gov.uk
 - Post: Planning Services, Maldon District Council, Princes Road, Maldon CM9 5DL;
- 4.31. The use of the online facility is the preferred and most direct 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.
- 4.32. For representations to be given the appropriate legal weight when an application is being assessed, they must relate directly to the planning matters relevant to the application; these are known as 'material considerations'. For example, these might include (further details can be found on page 6):
- Any potential harm to the amenities of existing or future residents caused by noise, smell, loss of light and overlooking likely to result in a significant loss of privacy.
 - 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

- 4.33. It should be noted that comments made in relation to impact on existing property values are not given weight and that the Local Planning Authority has no ability to act in relation to neighbour disputes or The Party Wall Act 1996 (as amended).
- 4.34. 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. The Council reserves the right not to publish or take into account any letters of representation which are openly offensive or defamatory.
- 4.35. Under delegated powers, the Director of Service Delivery 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. Delegated Powers and the responsibilities of the Council's Committees are set out in the Council's Constitution at:
<https://democracy.maldon.gov.uk/ieListMeetings.aspx?Committeeld=204&info=1&MD=Constitution>
- 4.36. Members of the public have the opportunity to put their views on planning applications direct to meetings of the District Planning Committee and the three Area Planning Committees. There are alternative arrangements for giving your views to virtual planning meetings during the Covid-19 pandemic. For more information see:
https://www.maldon.gov.uk/info/20046/development_management/9562/can_i_speak_at_a_planning_committee_meeting.

Notification of a Decision

- 4.37. **Unless agreed in writing between the Local Planning Authority and the applicant/agent**, 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.
- 4.38. 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 considered against;
 - An account and assessment of representations made through public consultation and responses from internal and statutory consultees; and
 - The Officer's recommendation for approval or refusal.
- 4.39. 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, including the officer's report, may be viewed on the Council's website.

Appeals

- 4.40. **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.

- 4.41. 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 (https://www.maldon.gov.uk/info/20046/development_management).

Permission in Principle

- 4.42. **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. Permission in principle only applies to the types of development set out in the national guidance (see <https://www.gov.uk/guidance/permission-in-principle>). The consultation requirements for permission in principle applications is different to that for planning applications. The LPA must consult any consultation body with whom they would have been required to consult on an application for planning permission for the development proposed. There are requirements to consult with infrastructure bodies if the development will affect specific types of infrastructure, such as railway land. The proposal must be published on the Council's website (an online notice) and a site notice must be displayed for at least 14 days before a decision is made on the application.
- 4.43. Local planning authorities can grant permission in principle to a site upon receipt of a valid application or by entering a site in Part 2 of its brownfield land register which will trigger a grant of permission in principle for that land providing the statutory requirements set out in Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning (Brownfield Land Register) Regulations 2017 are met.
- 4.44. 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.
- 4.45. Once a valid application for permission in principle has been received, the local planning authority should make a decision on the proposal within 5 weeks. Technical details decisions must be made within 10 weeks for major development and 5 weeks for other forms of development (unless the application is subject to an Environmental Impact Assessment, when a 16 week limit applies)
- 4.46. 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.

S106 agreements

- 4.47. **Although we will not consult the public on the preparation of our s106 legal agreements** they play an important role in making a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. In the case of highways measures, these are secured through s278 of the Highways Act 1980. The Council's Infrastructure Funding Statement and the list of S106 agreements are now available on the Council's website: https://www.maldon.gov.uk/info/20048/planning_policy/9810/infrastructure_delivery . These

records enable the public and our partners to see the controls that we are exerting over the infrastructure which should attend the planned development.

Making us aware of unauthorised development in your area

- 4.48. **The council has discretionary powers to take action against development that has** been carried out without planning permission where harm is caused to the local area and we conclude that it is expedient and in the public interest to seek to rectify the breach. If you are concerned that development has been carried out without planning permission or have concerns in relation to any other matter for which the team is responsible, please put these matters to us in writing. You can notify the council via the online form, available at: https://www.maldon.gov.uk/info/20051/planning_enforcement/9571/make_an_enforcement_complaint

Monitoring and Review

- 5.1 **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 also trigger a review of the SCI. Legislation relevant to the SCI includes:
- The requirement for an SCI and its contents are set out in the Planning and Compulsory Purchase Act 2004 (as amended);
 - Information on the different Orders and Regulations that guide consultations on planning applications is available at: <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>
 - LDP and SPD consultations are governed by The Town and Country Planning (Local Planning) (England) Regulations 2012
- 5.2 If you feel that a planning policy or planning application consultation does not meet the requirements of the SCI, you can make a complaint at the time of the consultation, using the contact details for the consultation you have concerns about.
- 5.3 Should a review be required stakeholder and community engagement will take place on the draft SCI.

Data Protection

- 6.1. **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.
- 6.2. 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.
- 6.3. If you have any questions about how we use personal data, please contact our Data Protection Officer, dpo@maldon.gov.uk or see our website www.maldon.gov.uk/terms.

Glossary

Authority Monitoring Report

This report looks at the implementation of the Local Development Scheme and how well the policies in the Local Development Documents are being achieved.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) enables a charge to be levied on the net increase in gross internal area floorspace arising from development in order to fund infrastructure that is needed to support development in the area.

Development Plan

As set out in section 38(6) of the Planning and Compulsory Purchase Act (2004), an area's development plan consists of adopted Local Plans and Neighbourhood Development Plans.

Development Plan Documents

All Planning Authorities must produce Development Plan Documents, such as the Local Plan. These are spatial documents and are subject to independent examination. There will be a right for those making representations seeking change to be heard at an independent examination.

Local Community

A generic term which includes all individuals (including the general public) and organisations both inside and outside to the district that have an interest in a local area. It includes the statutory and other consultees.

Local Development Document

The collective term for documents that form part of the wider Local Plan and set out the spatial planning strategy for the area. These include Development Plan Documents and Supplementary Planning Documents.

Local Development Scheme

This document sets out the timetable for the preparation of the Local Development Documents. It identifies which Development Plan Documents and Supplementary Planning Documents are to be produced and when.

Local Plan / Local Development Plan

The plan for the future development of the local area. The Local Plan will set out the vision, objectives and provide the framework for the preparation of Supplementary Planning Documents (SPDs) and Neighbourhood Development Plans. It will also include a number of criteria-based development management policies needed to achieve the strategy.

National Planning Policy Framework

Originally Published in March 2012, and most recently updated in 2021 the NPPF sets out the government's planning policy framework for England and how these are expected to be applied. It sets out the government's requirements for the planning system. It provides a framework within which local people and their accountable local planning authorities can produce their own distinctive Local and Neighbourhood Plans, which reflect the needs and priorities of their communities..

Neighbourhood Development Plan

A Neighbourhood Plan is prepared by a Parish or Town Council for their Neighbourhood Area. It sets out the policies for development and use of land for all or part of the neighbourhood area. Neighbourhood plans are subject to examination and referendum, after which they are adopted as part of the Development Plan for the local area. As such, they must be in conformity with the District's LDP.

Planning Inspectorate (PINS)

A government body whose main work involves processing planning and enforcement appeals and holding examinations in public on local plans

Planning Obligations/ s106 agreement

Legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken. For example, the provision of highways. Sometimes called “Section 106” agreements or Planning Agreements.

Stakeholders

Stakeholders include any person or organisation, local or national, who has a legitimate interest in what happens in our area.

Statement of Community Involvement

This Statement of Community Involvement sets out how the Council will consult people and organisations on draft planning policy and planning applications.

Supplementary Planning Documents

These documents provide additional information to support the implementation of the policies in the Local Development Plan. They do not form part of the Development Plan and are not subject to independent examination.

Sustainability Appraisal

Sustainability Appraisal is a tool for appraising policies to ensure that they reflect sustainable development objectives (i.e. social, economic and environmental factors). It is required under the Planning and Compulsory Purchase Act (2004) to be carried out on all Development Plan Documents and Supplementary Planning Documents where necessary.