

# Statement of Community Involvement

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Essex County Council

# Statement of Community Involvement

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## Introduction

### What is a Statement of Community Involvement?

Essex County Council is the local planning authority for minerals and waste planning, for both policy development and planning applications. Planning legislation (the Planning and Compulsory Purchase Act 2004) requires planning authorities to produce a Statement of Community Involvement (SCI) which sets out how the local community can expect to be involved in the County Council's preparation of Development Plan Documents and planning applications that may affect them.

This Statement of Community Involvement sets out how the people of Essex can be involved in the following:

- Shaping new planning policies which will determine how future minerals and waste development is carried out in the county
- Helping us to make the right decisions on planning applications for minerals, waste and County Council developments

A number of changes have been made to the national planning system in recent years, including the introduction of the National Planning Policy Framework, the Localism Act and Planning Practice Guidance. These changes continue to emphasise the need for community involvement in planning.

The community involvement and consultation methods detailed within this SCI are based on national planning legislation and regulations as well as Essex County Council's own corporate policy and procedures. This document also takes into account behavioural and cultural changes happening in Essex now, such as an increase in the reliance on electronic communications.

This document explains how we intend to carry out the following:

- Provide accurate and accessible information about our planning consultations
- Involve the community effectively in policy making and decision taking by engaging with them early in the process
- Enable the people and businesses of Essex to let us know how they feel about proposals in a timely and straightforward way
- Make the most effective use of the communication channels open to us

Please note, no policy in this statement shall apply if and to the extent that, 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.

### Who will be involved?

Our minerals and waste planning consultations are open to all, and we strive to reach as many relevant local residents and groups as possible with news of proposed Local Plans and planning applications. This SCI aims to ensure that all members of the community have the opportunity to get involved in the consultation process.

Planning legislation requires us to directly consult certain groups and organisations but in addition to these 'statutory consultees' we are also required to consult those residents, groups and businesses that we consider are 'appropriate' to the particular Local Plan proposal or planning application.

A brief description of these groups is listed below. A detailed list of statutory and general consultees for Minerals and Waste Policy and Development Management can be found in Appendix 1 and 2 of this document.

**Statutory consultees** - These are the bodies set out in planning legislation which we must directly consult.

**General consultees / other appropriate groups** - These are the bodies and organisations which represent the interests of various groups and residents in the county and those which we consider to be appropriate to the particular stage of the Local Plan or planning application being consulted on. This type of consultee includes local businesses, industry representatives, local community and action groups etc.

**Direct neighbour notification** - Our non-statutory DNN system specifically targets those residents and businesses within 250 metres of a proposed minerals and waste site boundary. Consultation letters, detailing where to view information and how to respond, are sent to the postal addresses within this set boundary for those sites proposed within the Local Plan (if proposed sites are included) and for Minerals and Waste planning applications. For County Council planning applications (Regulation 3 of the Town and Country Planning General Regulations 1992), all properties adjacent to the application site boundary will be sent a consultation letter.

**The seldom heard** - The seldom heard are those people least likely to make their views known through public consultation and those who often miss out on information because they do not belong to a recognised group. The seldom heard may include the elderly, the young, people with disabilities, the time-limited, those whose first language is not English and those without a permanent address.

Direct neighbour notification, public notices in newspapers and drop-in sessions held at different times in different locations are recognised as being our most successful methods of reaching this group. We can also help engage this group by making documents available in a variety of formats, such as Braille, audio and in languages other than English.

### How will we work with our community?

We place a high priority on early involvement and transparency within our planning processes and continuously strive to find appropriate ways to involve people and feedback the outcomes of our engagement and monitoring. We will pursue the following community involvement principles:

We involve the public early in the following ways:

- In forming policies, so that public opinion informs policy rather than amends it
- We may encourage pre-application involvement in planning applications, so that applicants consult the public before submitting an application

We provide information on our website so that members of the public can view current planning information alongside contributions they have made, for example:

- Our online consultation portal will feature the policy documents relevant to the ongoing consultation. Representations made to these consultations will be published once we have considered our responses so that information and comments can be viewed by all.
- Planning applications are published on our Online Planning Application System so they can be viewed online and tracked from submission to decision, by anyone at any time. We also publish site notices, appeals and Development and Regulation Committee agendas/minutes on our online system, as well as site monitoring reports and quarterly enforcement reports on the main ECC website.

Different types of community involvement methods have different benefits. The relevant audiences and regulatory requirements need to be taken into consideration and so we will use a variety of methods depending on the following:

- The type and stage of policy document (including Supplementary Planning Documents)
- The type and scale of planning application

Providing and receiving feedback on our community involvement methods is important to us and is used to improve the service we provide, as follows:

- Each year we publish the Minerals and Waste Planning Authority Monitoring Report online so that the public can monitor progress with both planning applications and policy documents.
- We monitor the range and types of consultation respondents to ensure that engagement is reaching a cross-section of the community.

### Electronic communication

Previous consultations and feedback have shown that electronic communication (email and internet) is the preferred method of how we involve people in consultation - in relation to viewing minerals and waste planning documents and applications online and responding to consultations.

Providing information online saves the County Council time and money on printing and distribution and means everyone is given the opportunity to access the information they need at any time. It is our aim to encourage electronic communications, in line with our Communications Strategy, while ensuring we are not disadvantaging anyone.

If people cannot or do not wish to be involved through electronic means then there are ways to view paper copy planning documents and applications, and consultation responses can be submitted via post. Please see 'How you can get involved' below for details.

Free internet access is provided by all local libraries in Essex for those who wish to view policy planning documents and planning applications online but do not have a computer or the internet at home.

## How can the community get involved?

You can contribute to decisions shaping minerals and waste development by getting involved in policy planning and planning application consultations in the following ways:

Read our minerals and waste policy documents online using the weblink provided within the consultation information and send us your comments during the consultation period:

- Online - via our online consultation portal
- Email – [mandwpolicy@essex.gov.uk](mailto:mandwpolicy@essex.gov.uk)
- Post – Freepost RTKH-XUBZ-CJZS, Essex County Council, County Planning, County Hall, Chelmsford, Essex, CM1 1QH

View planning applications and decisions online and send us your comments during the consultation period:

- Online – <https://planning.essex.gov.uk>
- Email - [mineralsandwastedm@essex.gov.uk](mailto:mineralsandwastedm@essex.gov.uk)
- Post – County Planning, Essex County Council, E2 County Hall, Chelmsford, Essex, CM1 1QH

Those who wish to submit a petition or e-petition rather than an individual response should check the ECC website for the current corporate Petitions Policy.

Visit your local library or district/borough/city council to view policy documents online or County Hall (via appointment) to view a paper copy during consultation periods. You can also visit County Hall to view an online copy of a planning application (via appointment).

Look out for posters and site notices in your local area, as well as announcements on planning proposals within local newspapers and parish newsletters.

Attend a policy planning drop-in session, public meeting or workshop (held when appropriate and could be either in person or virtual events) where you can gather information and have your queries answered directly by planning officers.

Attend any meetings or exhibitions organised as part of the applicant's Public Involvement Programme.

Support Site Liaison Groups - where site representatives, members of the local community and planning officers meet regularly to discuss issues.

Attend Development and Regulation Committee as an observer or speaker.

If you have a comment to make about policy and development management procedures, please send us your comments via the email or postal addresses above.

## Policy Planning – Minerals and Waste Local Plans

Legislation requires County Council's to produce a Minerals and Waste Development Framework (MWDF), a portfolio of documents that the Minerals and Waste Planning team uses to make its planning decisions. We are required to carry out various levels of community engagement on each of the documents within the MWDF, which in addition to this document, includes the following:

- Minerals Local Plan - sets out the strategies and policies for minerals planning
- Joint Waste Local Plan - sets out the strategies and policies for waste planning (produced in partnership with Southend-on-Sea Borough Council)
- Supplementary Planning Documents - Supplementary guidance to support or expand new policies in the MWDF
- Authority Monitoring Report - A self-assessment of progress against the MWDF timetable, the adequacy of MWDF policies and the effectiveness of the community involvement methods set out in the Statement of Community Involvement (SCI). Placed in the public domain for community information only.

The Minerals Local Plan and the Joint Waste Local Plan will each be reviewed every five years in line with Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

### Who will we inform/consult?

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) require us to consult with those specific consultation bodies as we consider may have an interest in the documents, those general consultation bodies as we consider appropriate and residents and other persons carrying on business in Essex who we consider it appropriate to invite representations.

Additionally, this would include informing those situated within 250 meters of a proposed minerals/waste site boundary (Direct Neighbour Notification), those who have previously responded to respective minerals or waste policy consultations and those who have asked to be involved; see 'Who will be involved?' on pages 2 and 3 and appendix 2 for details. We will also invite relevant bodies, including parish/town councils, when seeking sites to be put forward to be included in emerging plans (Call for Sites).

The Localism Act 2011 introduced a Duty to Co-operate which requires the County Council to engage constructively with other local authorities and prescribed bodies on matters when preparing the Minerals and Waste Local Plans. This duty is in addition to the pre-existing requirements for consultation with these bodies in the preparation of the plans. ECC will endeavour to meet Duty to Cooperate, not only through formal consultation mechanisms but through on-going meetings and correspondence with individual prescribed bodies tailored to the specific issue at hand. A full list of the prescribed bodies to be engaged under Duty to Co-operate can be found in appendix 2.

Essex County Council can provide strategic advice on the location and specific details of future proposed minerals and waste sites and provide advice to neighbourhood plans in

proximity to such sites. Details can be found within Essex County Council's Neighbourhood Planning Guide September 2019.

We will maintain a consultation database of organisations and individuals to be involved and consulted. People can request to be added to the consultation database via the Policy Planning team by email at [mandwpolicy@essex.gov.uk](mailto:mandwpolicy@essex.gov.uk)

How long will consultations and engagements run for?

Policy consultation and engagement periods will run for a statutory period of six weeks. If the consultation period runs over a national holiday, then consideration will be given to extending the deadline.

What happens to submitted comments?

Comments submitted to policy planning consultations are acknowledged on receipt and published on our online consultation portal in accordance with the General data Protection Regulation (GDPR) 2018. Comments are reviewed by officers and findings reported back to ECC Members before feedback from the consultation is reported on during the next stage of the relevant ECC governance process.

Sustainability Appraisal

Planning legislation requires us to produce a Sustainability Appraisal (SA) in the preparation of Local Plans and to consult upon this document. The purpose of the SA process is to assess the social, economic and environmental implications arising from each document. During consultations on Local Plans, we will also invite comments on the SA process and its accompanying reports. The SA documents will also be made available alongside the related plan consultation documents.

Engagement and Consultation methods

In minerals and waste policy planning we use a number of engagement and consultation methods depending on the type and stage of document under consultation. Many of the methods listed below are non-statutory and therefore go beyond the minimum required by planning regulations. These non-statutory methods are optional and will be selected as and when appropriate.

- Publish consultation documents on our website

This includes the main consultation document and all supporting documents, such as the Sustainability Appraisal report and the Habitat Regulations Assessment.

- Publish response forms on our website and provide paper copies on request

The community is invited to respond to consultations either electronically or in writing. The response form can be downloaded from our website or a paper copy provided on request. Letters, emails and petitions not using the response form are also accepted.

Those who wish to send a petition or e-petition rather than an individual response should check the ECC website for the current corporate Petitions Policy.

- Inspection copies in specified locations

Policy documents can be viewed online at Essex libraries and district/borough/city council offices for the duration of the consultation/engagement. Paper copies of documents can be made available at County Hall via appointment during normal office hours.

Libraries provide free Internet access and assistance for those without access to a computer and who wish to view documents online. If anyone should wish to request a copy of such documents, these would be provided as soon as reasonably practicable for a reasonable charge.

- Public notices

An advert containing details of the consultation (where to view documents and how to respond) will be published in local newspapers. This is a non-statutory requirement but one which we will continue to use as a means of engaging a wide range of the community.

- Press release circulated to local media

A non-statutory method which can help us raise awareness of issues and forthcoming consultations in the local community by engaging both print and broadcast audiences.

- Publication of newsletters

We will provide consultation/examination information to the Essex Association of Local Councils E Bulletin, a monthly electronic newsletter circulated to parish and town councils.

- Posters

We will supply all Essex libraries and parish/town councils with free consultation posters for display on their noticeboards. This non-statutory method is used to promote specific upcoming events to residents, such as drop-in session dates and times.

- Pre-consultation briefings

These non-statutory awareness-raising meetings are held before the start of a consultation and are aimed at specific groups with a particular interest in the development and outcomes of the Minerals and Waste Local Plans, including district/borough/city councils, parish/town councillors, key stakeholders and industry groups.

- Drop-in sessions

Open to all and free to attend, these non-statutory informal meetings are held at various times and locations in close proximity to suggested sites being considered for inclusion within the plan being consulted on. ECC officers are available at each session to discuss local residents' concerns on a one-to-one basis. Sessions would only be held if suggested sites were a feature of the consultation. Could be either in person or virtual sessions.

- Workshops

A non-statutory activity usually held early in the plan consultation process, which invites a mix of key statutory consultees, industry/business, local groups and residents to participate in the consideration of specific minerals and waste issues and their solutions. Could be either in person or virtual sessions.

- Attend parish and town council meetings

Local meetings organised by parish and town councils where ECC officers are invited to answer residents' questions regarding the consultation and specific site proposals. As a non-statutory method, officers would attend these meetings when invited and when appropriate. Could be either in person or virtual sessions.

- Direct neighbour notification

This is a non-statutory notification process which specifically targets those residents and businesses within 250 metres of a proposed site boundary – see 'Who will be involved?' on pages 2 and 3.

The process of preparing a Minerals and Waste Local Plan must be in accordance with planning legislation and regulations, which set out the minimum requirements that consultation must meet. The main steps in the local plan preparation process, alongside the community involvement methods we will carry out, are explained below. Please see above for full details of each method.

## Stage of Local Plan preparation and its associated community involvement methods

### Pre-publication stage

Issues & Options and Preferred Approach stages.

Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended).

- Consult/engage specific and general consultees and appropriate residents and businesses
- Publish documents and response form online
- Response forms available electronically and in paper copy (on request)
- Inspection copies of documents at specified locations
- Public notice
- Press release
- Publication of newsletters
- Posters
- Pre-consultation briefing (where appropriate)
- Drop-in sessions (where appropriate)
- Workshops (where appropriate)
- Attend parish/town council meetings (where appropriate)

## Publication stage

Pre-Submission Draft stage based on the Tests of Soundness – engagement stage.  
Regulations 19-20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended).

- Engage specific and general consultees and appropriate residents / businesses (including a statement of presentation procedure)
- Publish documents and response form online
- Response forms available electronically and in paper copy (on request)
- Inspection copies of documents at specified locations
- Public notice
- Press release
- Publication of newsletters
- Posters
- Pre-consultation briefing (where appropriate)
- Drop-in sessions (where appropriate)
- Attend parish / town council meetings (where appropriate)

## Submission stage

Proposed plan formally submitted to the Secretary of State for approval.  
Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended).

- Inform those specific and general consultees who were invited to make representations at previous stages of the relevant plan, including those who requested to be notified
- Inspection copies of the required submission documents and public notice at specified locations
- Publish documents online
- Publication of newsletters
- Public notice

## Examination

Examination in Public legal hearings.  
Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended).

At least six weeks before the hearing:

- Notify any person who has made a representation at Regulation 20 stage (Pre-Submission Draft), and has not withdrawn that representation, of the legal hearing arrangements (date, time, place) and the name of the person appointed to carry out the examination
- Publish examination hearing arrangement / details on website
- Public notice – including at specified locations

## Post examination

Publication of Inspector's recommendations.

Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended).

As soon as reasonably practicable after receipt of Inspector's report:

- Give notice to those who have requested notification
- Publish Inspector's report and recommendations or a direction from the Secretary of State (Reg 29) on website
- Inspection copy of Inspector's report and recommendations or a direction from the Secretary of State (Reg 29) at specified locations.
- Press release
- Publication of newsletters

## Adoption

Local Plan formally adopted by the County Council in accordance with recommendations from the independent planning inspector.

Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended).

As soon as reasonably practicable after adoption:

- Send adoption statement to those who asked to be notified
- Send adoption statement to Secretary of State
- Publish adopted plan, accompanying documents and adoption statement on website.
- Inspection copies of plan and adoption statement at specified locations for six weeks after adoption date.
- Public notice
- Press release
- Publication of newsletters

In any other circumstances, regulations 27-31 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) will apply.

## Policy Planning – Supplementary Planning Documents

A planning authority may, if necessary, produce Supplementary Planning Documents (SPDs) to provide greater detail and guidance on the policies of its Minerals and Waste Local Plans.

Any SPDs that the council chooses to produce would be prepared according to planning legislation and be subject to targeted community involvement, but this type of document is not required to pass through all the same stages as Local Plans.

The main steps in an SPD's preparation process, alongside the community involvement methods we will carry out, are explained below. Appropriate methods will be chosen depending on the type of SPD. A full explanation of methods can be found on pages 7-9.

### Stage of SPD preparation and its associated community involvement method

#### *Proposed SPD*

Regulations 12-13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended).

A statutory four-week consultation where we will:

- Consult/engage specific and general consultees and appropriate residents and businesses
- Direct Neighbour Notification letters (where appropriate)
- Publish document, response form and consultation details online
- Inspection copies of document at specified locations
- Public notice (where appropriate)
- Press release
- Publication of newsletters
- Workshops (where appropriate)
- Posters (where appropriate)

#### *Adoption*

Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As amended).

Following consultation:

- Publish Statement of Consultation and Summary of Main Issues on website
- Send adoption statement to those who asked to be notified
- Publish adopted SPD and adoption statement on website
- Inspection copies of adopted SPD and adoption statement at specified locations for three months after adoption date
- Public notice (where appropriate)
- Publication of newsletters

## The Statement of Community Involvement

Under the Planning and Compulsory Purchase Act 2004 we are required to produce a Statement of Community Involvement (SCI), which sets out how we will engage the Essex community in relation to Minerals and Waste planning policy documents and development management planning applications.

SCIs will be prepared according to planning legislation and be subject to community involvement, but this type of document is not required to pass through all of the preparation stages as Local Plans are.

In line with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 this SCI will be reviewed every five years from its adoption. The SCI will be kept under review through the Authority Monitoring Report, which reviews the adequacy of Minerals and Waste policies and the effectiveness of community involvement methods. We will also monitor planning legislation and regulations and ECC corporate policies and will update community involvement procedures as and when required.

The main steps in an SCI's preparation process, alongside the community involvement methods we will carry out, are explained below. A full explanation of these methods can be found on pages 7-9.

### Stage of SCI preparation and its associated community involvement method

#### *Proposed SCI*

A statutory six-week consultation:

- Consult specific and general consultees and appropriate residents and businesses
- Response forms available electronically and in hard copy (on request)
- Inspection copies of document at specified locations
- Publish documents and response form online
- Public notice
- Publication of newsletters
- Posters

#### *Adoption*

- Send adoption statement to those who asked to be notified
- Publish adopted SCI and adoption statement on website
- Inspection copies of SCI and adoption statement at specified locations for three months after adoption date
- Publication of newsletters

## Development Management and Planning Applications

As the Minerals, Waste and County Planning Authority, ECC is responsible for determining planning applications relating to the following:

- Minerals development
- Waste development
- Regulation 3 of the Town and Country Regulations 1992 – applications for development being carried out by or on behalf of ECC and/or for development on land which ECC owns or has a significant interest in.

The Planning and Compulsory Purchase Act 2004 requires local authorities to set out in their Statement of Community Involvement (SCI) how the public will be involved at each stage of the planning application process, including prior to formal submission of a planning application.

When determining a planning application, the development management team carries out various consultation methods depending on the type and scale of application and the team actively seeks to inform and engage with the public wherever possible.

### Who will we inform/consult?

We will directly notify those statutory consultees as listed in the Town and Country Planning (Development Management Procedures) (England) Order 2015 (as amended). Where appropriate, we will also consult non-statutory consultees such as parish and town councils, direct neighbour notifications and other relevant organisations and bodies (see 'Who will be involved?' on pages 2 and 3 and in Appendix 1 for details).

There are no statutory requirements to publicise or consult for some types of applications; see 'Other types of planning applications' on pages 18 and 19.

### Pre-application planning advice and engagement

In accordance with planning legislation, we encourage all potential applicants to discuss their proposals with us and to engage with the local community before submitting their planning application.

As the Planning Authority, ECC is able to provide advice as to whether planning permission is required for developments, what the relevant considerations are likely to be and the information that should accompany a planning application to ensure that it is valid. Pre-application discussions play an important role in ensuring that development in Essex better reflects community aspirations, County Council priorities and national and local planning objectives.

Although potential applicants are not obliged to seek pre-application advice, it is highly recommended that proposals are discussed with ECC at the pre-application stage, especially for large-scale and sensitive developments. We wish to continue to encourage,

expand and promote engagement through pre-application advice. Full details on pre-application planning advice can be found on our website.

### Online Planning Application System

Our Online Planning Application System allows applicants to submit planning applications directly online and members of the public to make comments on applications, follow progress from submission to decision and check details of appeals against decisions.

This service means planning information can be accessed by all at any time. Users are able to magnify plans to view the smaller details that may not be easily visible on paper copy plans. The website also provides easier access to information for those with disabilities and those whose first language is not English.

### How long will consultations run for?

Once ECC has published details of a planning application anyone wishing to comment must do so by the deadline set for each particular consultation. Consultations on major and minor applications will run for 21 days. However, this differs for EIA (30 days) and public service infrastructure development (18 days) applications.

In addition, there are 'other' types of application which have variable consultation periods, with some application types also not required to be consulted upon at all (see 'Other types of planning applications' on pages 18 and 19). The length of consultation applicable to every application received will be clearly displayed on the Council's online system and detailed within the DNN letters sent, site notice erected, and public notice published (as appropriate to the application type).

If the consultation period for an application runs over a bank/public holiday, then an extension of one day for each bank/public holiday will be given. This excludes applications which are subject to an Environmental Impact Assessment and accompanied by an Environmental Statement, the period of notice an applicant is required to give for planning permission under article 13 of Development Management Procedure Order (DMPO) and the period of notice the Local Planning Authority is required to give a relevant railway infrastructure manager under article 16 of DMPO.

After the consultation process on the application stage is complete, the planning officer dealing with the application prepares a detailed report taking into account the responses received. A decision is then made as to whether the application should go before ECC's Development and Regulation (D&R) Committee or be dealt with by the planning officer under delegated powers in accordance with the council's constitution.

If planning applications are taken to committee, both the applicant and the consultation respondents can register to speak at the meeting; the details of which are included in the acknowledgement letter sent to all consultation respondents. Details of D&R committee procedures, including attendance and public speaking, can be found on the Essex County Council website.

## Application types

Environmental Impact Assessment applications - A planning application which is accompanied by an Environmental Statement (known as an EIA application). EIA applications will be determined under the Environmental Impact Assessment Regulations 2017.

Major applications - A planning application which does not come under EIA applications (above) but one that is defined as a major development according to the Town and Country Planning (Development Management Procedures) (England) Order 2015 (As amended). Development involving any one or more of the following:

- The winning and working of minerals or the use of land for mineral-working deposits
- Waste development
- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more
- Development carried out on a site having an area of one hectare or more

Public service infrastructure development applications – A major, non-EIA, planning application where the main purpose of the development is (a) the provision of: (i) a health service hospital; (ii) a school or institution within the further education sector; or (iii) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992; or (iv) criminal justice accommodation; or (b) works for the extension or alteration of such a facility.

Minor applications – A planning application that is not covered by EIA or major applications as above.

## Engagement and consultation methods

The statutory requirements for consultation are set out in the Town and Country Planning (Development Management Procedures) (England) Order 2015 (as amended). We exceed these requirements.

The main stages in the application determination process, alongside the community involvement methods we will undertake for each stage, are explained below. Also included is the type of application each method of engagement applies to.

## Stage of application and its associated community involvement method

### Pre application

Before the application is submitted, applicants are highly encouraged by planning officers to carry out pre-application publicity/a Public Involvement Programme by using some or all of the methods listed below, as considered appropriate to the type of application (EIA, major including public service infrastructure development or minor), the potential impacts resulting from the development and likely public interest. (See Pre-application details above).

- Consult appropriate statutory/non-statutory bodies for early advice.
- Publish information on their own website.
- Set up public exhibitions/displays and local meetings
- Leaflets, posters and local newsletters used to advertise public exhibitions/displays/meetings.

## Application

An EIA, major (including those meeting the definition of a public service infrastructure development) or minor planning application is submitted to ECC, validated and then undergoes public consultation.

- ECC consults appropriate statutory/non-statutory bodies (EIA, major, minor).
- Full planning applications available to view on online system (EIA, major, minor).
- Planning application details available to view on the appropriate district/borough/city council Planning Register (EIA, major, minor).
- Details of planning applications available to view online at County Hall in Chelmsford, by appointment (EIA, major, minor).
- Public notice published in relevant local newspaper (EIA and major).
- Site notice on or near the site (EIA, major, minor).
- Direct Neighbour Notification (DNN) letters sent to the properties within a defined radius of a planning application (see Who will be involved? on pages 2 and 3) (EIA, major, minor).
- Details published in the Essex Association of Local Councils E Bulletin newsletter (EIA, major, minor).
- ECC proactively encourage applicants to hold public exhibitions/meetings for proposals which generated greater public interest than expected at pre-application stage (EIA, major, minor).

## Determination

A decision is made on the proposed planning application – either under delegated powers or by Development and Regulation (D&R) Committee.

- Officer's report available to view on ECC website – delegated and committee (EIA, major, minor).
- Report available to view online at County Hall in Chelmsford, by appointment (EIA, major, minor).
- Committee agendas, reports and minutes published on ECC website (EIA, major, minor).
- Acknowledgement letter sent to respondents, including invitation to speak at D&R committee (EIA, major, minor).

## Post-decision

A decision has been made on the proposed planning application and publicised.

- Decision notice available to view on online system (EIA, major, minor).
- Decision notice available to view at district/borough/city councils on Planning Register (EIA, major, minor).
- Decision notice available to view online at County Hall, Chelmsford by appointment (EIA, major, minor).
- Statutory consultees, applicant, the relevant parish/town councils and those who submitted comments informed decision has been made (EIA, major, minor).
- Decision published in the Essex Association of Local Councils E Bulletin newsletter (EIA, major, minor).
- Advertising any decisions made under Environmental Impact Assessment Regulations 2017 (EIA).

## Other types of submissions and applications

As the Minerals, Waste and County Planning Authority, we also process several other types of submissions and applications, as listed below. There are no statutory requirements to publicise or consult on these submissions/applications, however, certain levels of consultation are carried out as follows:

- Submission of Details

Conditions attached to a planning permission impose restrictions and/or require the submission of further details before and/or once a development is implemented. If conditions are imposed on a planning permission, this is an application seeking approval of such details.

Engagement method: Public consultation is not normally undertaken. Statutory consultees and other bodies and organisations are consulted if they requested a particular condition or are likely to have comments. Decision sent to the relevant district/borough/city council, parish/town council and local Member, if appropriate,

- Non-material amendments

An applicant can request a minor/inconsequential variation to a scheme (which does not raise any new issues for consideration) after planning permission has been granted and while the development is still under construction.

Engagement method: Public consultation is not normally undertaken. Statutory consultees and other bodies and organisations are consulted if the case officer decides it is relevant. Decision sent to the relevant district/borough/city council, parish/town council and local Member, if appropriate.

- Screening and Scoping opinions

These are opinions issued in respect of Environment Impact Assessment. Screening Opinions seek the County Council's opinion as to if an EIA is required for a particular proposal/development and Scoping Opinions seek to advise on what information is required to be supplied in the Environmental Statement should it be considered an EIA is necessary.

Engagement method: Public consultation is not normally undertaken. Statutory consultees and other bodies and organisations are consulted if the case officer decides it is relevant. Decision sent to the relevant district/borough/city council, parish/town council and local Member, if appropriate.

- Certificate of Lawfulness of Existing Use or Development

These applications are made when an applicant wishes to establish whether a use or development which they are already carrying out is lawful.

Engagement method: As it is the applicant suggesting an existing use/development, we would advertise and consult in an attempt to ascertain any alternative views or contrary evidence. The consultation which would generally take place would follow that of the representative application type to which the Certificate use/development relates, albeit it is unlikely that in any circumstance a public notice would be published in a local newspaper. Statutory consultees and other bodies and organisations are consulted if the case officer decides it is relevant. Decision sent to the relevant district/borough/city council, parish/town council and local Member, if appropriate.

- Certificate of Lawfulness of Proposed Use or Development

This application is a method to establish whether a use or development (which has not yet occurred) needs planning permission.

Engagement method: Public consultation is only undertaken in exceptional circumstances. Statutory consultees and other bodies / organisations are consulted if the case officer decides it is relevant. Decision sent to the relevant district / borough / city council, parish / town council and local Member, if appropriate. This is purely a legal interpretation of the General Permitted Development Order so the merits of the case are normally not relevant.

## National Strategic Infrastructure Projects

National Strategic Infrastructure Projects The Planning Act 2008, (the 2008 Act), introduced a new development consent process for Nationally Significant Infrastructure Projects (NSIPs). NSIPs are usually large-scale developments (relating to energy, transport, water, or waste) which require a type of consent known as 'Development Consent Order' (DCO). An extension of the regime in 2013 now allows certain business and commercial projects to opt into this process. A DCO automatically removes the need to obtain several separate consents, including planning permission, compulsory purchase orders, Habitat Regulations Assessments, and is designed to be a much quicker process than applying for these separately.

The DCO process starts when an application is formally accepted by the National Infrastructure Planning Unit and lasts approximately 12-15 months, however consultation with stakeholders occurs before this process officially commences. The final decision on granting a DCO rests with the Secretary of State for that field, following a Hearing conducted by the Planning Inspectorate, and is based on advice from planning inspectors – known as the 'examining authority'.

Essex County Council is a consultee in the process and has the opportunity to shape and develop the submission as it moves forward. The County Council would expect that it is engaged in discussions as early in the process as possible.

Whilst it is appreciated that the consultation process is directed under separate legislation / guidance, the County Council would expect early consultation is carried out involving local communities. Ideally the developer would run a consultation / engagement programme on the draft development proposals involving local people and organisations before using the comments and feedback to update the development proposal.

The developer would be expected, for example, to:

- Hold public exhibitions for local communities in suitable locations across a range of dates and times for a period of no less than four weeks.
- Provide at least one bespoke presentation to be given to the lead elected members (either jointly or separately with District Councillors) at each stage of the DCO pre-application process, to explain the proposals and the process of engagement and programme/timetable.
- Provide digital versions of documents online. With clear guidance on the process and how people/organisations can engage.
- Continue to engage with stakeholders, local organisations and Councillors on the proposals.
- Arrange and undertake an independent design review using the Essex Quality Review Panel
- Make available to ECC a copy of the Essex Quality Review Panel report which also becomes a public document.
- Use results of the public consultation, stakeholder engagement and design review report to update the development proposals.

## Re-consultation

On occasion, it may be necessary to request further information or amendments to planning applications, some of which may require re-consultation. A minor amendment to an application which could not materially change the character of a development would not normally result in re-consultation.

However, the submission of additional supporting information on which the public and statutory consultees need the opportunity to comment, or the introduction of significant amendments to a consultation could generate a further consultation period. On occasion, the period of consultation may be shorter than 21 days to help ensure that the application can continue to be determined swiftly.

## Appeals on decisions

Appeals can only be made by applicants to the Secretary of State for Communities and Local Government, care of the Planning Inspectorate. There are three types of appeals: written representations; informal hearings; and public inquiries. The Planning Inspectorate determines, in discussion with the Local Authority and appellant, which type of appeal is appropriate for the case.

If an applicant chooses to appeal against a decision made by us, we will forward all previous consultation responses to the Planning Inspectorate and notify all those who made representations that an appeal has been lodged; the appeal process being followed; and how you can communicate with the Planning Inspectorate, request to attend any meetings or site visits held and monitor progress of the appeal.

### Monitoring and enforcement

Planning officers regularly carry out site visits to check for compliance with conditions. We also undertake formal site monitoring of mineral extraction and landfill sites. There are set monitoring fees for these types of visits and a subsequent monitoring report is produced detailing what was witnessed on-site. These reports, which also outline actions/measures required to be undertaken, are sent to the site operator and made publicly available on our website.

Any issues arising from these inspections would normally be dealt with by discussions between the officer and the operator concerned. However, if remedial actions were not taken within an agreed time, this could result in the implementation of enforcement action in accordance with our Local Enforcement and Site Monitoring Plan.

## Appendix 1

### Consultees for planning applications

Below is a list of bodies and organisations which may be consulted during the planning application consultation process. Consultees for each planning application will vary depending on the type, scale and location of the proposed development. When consulting on planning applications we will accord with Section 5 of the Town and Country Planning (Development Management Procedures) (England) Order 2015.

This list is not to be considered as all-inclusive and is included purely for guidance.

- Airport Safeguarding
- Animal and Plant Health Agency
- Campaign to Protect Rural England
- Coal Authority
- Department of Environment, Food and Rural Affairs (DEFRA)
- Department for Transport
- District, borough and city councils
- Environment Agency
- Essex Bridleways and British Horse Society
- Essex Wildlife Trust
- Fire and Rescue Service
- Forestry Commission
- Health and Safety Executive
- Highways England
- Historic England
- Lead Local Flood Authority
- Local Highway Authority
- Ministry of Defence
- National amenity societies
- National Planning Casework Unit
- Natural England
- Open Spaces Society
- Parish and town councils
- Pipeline, communication and utilities companies
- Police authority
- Rail network operators
- Ramblers Association
- RSPB
- Sport England
- Sustainable Drainage Systems
- The Theatres Trust
- Waste Management

Direct Neighbour Notification – Those residents and businesses within 250 metres of a proposed minerals and waste site boundary. For County Council applications all properties adjacent to the application site boundary will be notified.

## Appendix 2

### Consultees for the Minerals and Waste Local Plan and Supplementary Planning Documents

The Town and Country Planning (Local Planning) (England) Regulations 2012 require ECC, as the Minerals and Waste Planning Authority, to consult:

- Such of the specific bodies as we consider may have an interest in the subject of the proposed Local Plan
- Such of the general consultation bodies as we consider appropriate
- Such residents or other persons carrying on business in Essex from which we consider it appropriate to invite representations

#### *Specific consultation bodies*

- Coal authority
- Environment Agency
- Historic England
- Highways England
- Homes England
- Marine Management Organisation
- Natural England
- Network Rail
- Any person to whom the electronic communications code applies (under section 106(3)(a) of the Communications Act 2003)
- Any person who owns or controls electronic communications apparatus situated in any part of Essex
- A relevant authority any part of area is in or adjoins Essex, namely parish /town, district/borough/city councils and neighbouring county/unitary authorities as well as the relevant police authorities

#### *Any of the following exercising functions in Essex:*

- Clinical Commissioning Groups (replaced Primary Care Trusts)
- A person to whom a license has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
- A person to whom a license has been granted under section 7(2) of the Gas Act 1986
- A sewerage undertaker
- A water undertaker

### *General consultation bodies*

- Voluntary bodies some or all of whose activities benefit any part of Essex
- Bodies which represent the interests of different racial, ethnic or national groups in Essex
- Bodies which represent the interests of different religious groups in Essex
- Bodies which represent the interests of disabled persons in Essex
- Bodies which represent the interests of persons carrying on business in Essex

### *Other consultees*

In line with 'such residents and other persons carrying on business in the area from which we consider it appropriate to invite representations' (see above), this group will include - among others - those residents and businesses within 250 metres of a proposed site boundary, as per our Direct Neighbour Notification system, those who have previously responded to respective minerals or waste policy consultations and those who have asked to be involved (see 'Who will be involved?' on pages 2 and 3).

### *Duty to Co-operate prescribed bodies*

- Civil Aviation Authority
- Environment Agency
- Historic England
- Homes England
- Integrated Transport Authority
- Local Enterprise Partnership
- Local Nature Partnership
- Marine Management Organisation
- Natural England
- The Mayor of England
- The Office of Rail Regulation
- Transport for London
- Each highways authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
- Each clinical commissioning group established under section 14D of the National Health Service Act 2006 the National Health Service Commissioning Board.