



Basildon Borough

Local Development Scheme 2017 – 2019

9th Edition

Effective from 13th October 2017

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1. Introduction

Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Council as a Local Planning Authority (LPA) to prepare and maintain a *Local Development Scheme* (LDS). This LDS replaces the 8th edition of the LDS for 2016-2018 that was brought into effect in March 2017.

This version was approved by the Infrastructure, Growth and Development Committee on 14 September 2017, adopted by the Council on 12 October 2017 to come into effect on the 13 October 2017.

The LDS is the Council's project plan and timetable for preparing a Local Plan for the Borough, which will eventually replace the Local Plan Saved Policies 2007. It sets out:

- The Local Plan documents that the Council intends to prepare;
- The subject matter and geographical areas for each document;
- The timetable for the preparation of each document.

Progress during 8th Edition

Policy Preparation

Since the 8th edition was approved, the Council has made significant progress on the preparation of its new Local Plan, and has progressed the 52 Key Actions agreed by Cabinet on 29 September 2016 and worked towards developing and compiling the finalised version for submission in 2018. This has included:

- Completion of the New and Alternative Sites Consultation, reported to the Infrastructure Growth and Development Committee on the 1 August 2017.
- Completion of development needs evidence base updates in relation to: housing need (SHMA), economic development needs (EDNA), retail needs, hotel needs and the accommodation needs of Gypsies and Travellers.
- Completion of the Review of the Green Belt Study.
- Completion of evidence in relation to potential sites including ecology, landscape, archaeology, air quality and sustainability appraisal.
- Completion of the Parking Capacity and Intervention Study, and significant progress on transport modelling and site accessibility work in conjunction with Essex County Council.
- **Infrastructure and Stakeholder Engagement** – officers have met, and continue to meet, with infrastructure providers to discuss their needs and Local Plan policy and infrastructure requirements including:
 - the Basildon and Brentwood Clinical Commissioning Group, NHS England, Basildon and Thurrock University Hospital, Essex Partnership University NHS Foundation Trust (formerly South Essex Partnership Trust –the Borough's mental health service provider) and the Community Health Partnership;
 - Public health;
 - Education Planning;

- Emergency Services;
- Highway and Public Transport service providers; and
- Utility & Communication service providers.
- **Duty to Cooperate**
 - **South Essex** - new arrangements have been put in place to change how South Essex authorities and Essex County Council as planning authorities work together to deliver strategic planning solutions over a common spatial geography. This has led to a Memorandum of Understanding (MoU) being presented to each of the authorities, which Basildon Council signed in early February 2017 (CMDR reference: L05 (16-17). Work is now underway at various levels, both Member and officer, to deliver the requirements of this MoU;
 - **Brentwood** – meetings between officers and members have taken place to consider strategic and cross boundary issues between the two boroughs. This has triggered specific pieces of joint work on settlement separation and infrastructure to inform both authorities' Local Plans;
 - **A127** – Essex County Council is the lead highway authority for revising the A127 Corridor Growth Strategy which considers how the route needs to be operated, invested in and upgraded in the future. All Boroughs and Districts along its route are engaged in this process, including the London Borough of Havering. In addition, Southend on Sea and Transport for London are involved as Highways Authorities, alongside Highways England as the responsible body for the national motorway network and trunk roads; and
 - **Greater London Authority (GLA)** – participating in the Wider South East Summits concerning the London Plan Review and impacts and opportunities it could bring to the Basildon Borough Local Plan.
 - **Essex-wide** – the Essex Planning Officers Association has been working across Essex to develop shared evidence base work such as the *Greater Essex Growth and Infrastructure Framework (GIF)*, and also shared work around the accommodation needs of Gypsies and Travellers. More recently, it has commenced work considering the relationships between different housing market areas and the potential for protocols to be established to enable more effective, meaningful cooperation between authorities when addressing cross boundary strategic housing issues.

Operational Progress

Operationally, the Council has also been making preparations for the Local Plan's statutory Examination in Public (EiP), which would take place following a decision to submit. This consists of:

- Planning Officers have undertaken refresher training with two former Planning Inspectors to ensure the Council is ready for the EiP and the processes and protocol involved;
- The Planning Inspectorate remains informed of progress under the LDS to ensure it remains more likely to provide a Planning Inspector for the Basildon Borough Local Plan when requested; and

- A service level agreement is in place with Essex County Council's Minerals and Waste Planning team to provide additional officer support, if required, to reduce the risk of not being able to achieve the timetable set out in this document due to professional capacity.
- Experienced Programme Officer services have been secured. The Programme Officer is a unique and specialist role which provides all administrative, organisational and communication support for the Examination in Public between the Planning Inspector, the Council and participants. Early engagement of a Programme Officer ensures that the Regulation 19 consultation is effective, and there is adequate project handover into the Examination in Public process.

2. The Scope of the Local Development Scheme

The Local Development Scheme has two principal purposes:

- To inform the public and stakeholders about the Local Plan for Basildon Borough; and
- To set out a suitable timetable to prepare, or review, these documents.

Minerals and Waste Planning

Essex County Council is the Minerals and Waste Planning Authority for Basildon Borough. The Essex Minerals Plan was adopted by the County Council in 2014. The Replacement Waste Local Plan was adopted in July 2017. These documents constitute part of the Development Plan for the Borough. Further information on the Essex Minerals Plan and the Replacement Waste Local Plan can be found by visiting the Essex County Council website: www.essex.gov.uk

Neighbourhood Development Plans (NDPs)

The Localism Act 2011 introduced new rights and powers which allow local communities to shape how their local areas develop and change by preparing Neighbourhood Development Plans (NDPs). They can be prepared by town, village or parish councils or by 'neighbourhood forums' in unparished areas, and must be in conformity with the Local Plan for the area.

In accordance with planning legislation, Basildon Borough Council has a statutory duty to advise or assist communities in the preparation of NDPs, but cannot prepare them itself. Once the Council has been notified of the intention of a town, village or parish Council, or a neighbourhood forum to prepare a NDP within the Borough information will be provided on the Council's website.

Further information on Neighbourhood Planning in the Borough can be found at www.basildon.gov.uk/neighbourhoodplanning

3. Monitoring and Review

The Local Plan making process is designed by legislation to be a continuous process of preparation, monitoring and review. Since 2004, the monitoring and review elements of the process have been undertaken through the Annual Monitoring Report (AMR). The Localism Act 2011 removed the duty on LPAs to submit their AMRs to the Secretary of State each year. However, LPAs are still required to report on an annual basis on their planning activities, including monitoring the delivery of development and the effectiveness of local policies. It is expected that the findings of the AMR will, at some point, trigger the need for any full or partial review of the Local Plan should its delivery be underperforming.

4. Timetable

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the stages for preparing a Local Plan. These stages are:

- Regulation 18 – Preparation of a Local Plan (including consultation)
- Regulation 19 – Publication of a Local Plan (including consultation)
- Regulation 20 – Representations to a Local Plan
- Regulation 22 – Submission of a Local Plan to the Secretary of State
- Regulation 24 – Independent Examination
- Regulation 25 – Recommendation from the Independent Examiner
- Regulation 26 – Adoption of the Local Plan

The Community Infrastructure Levy (CIL) Regulations 2010 meanwhile set out the stages for preparing a CIL Charging Schedule. These stages are:

- Regulation 15/16 – Consultation and Publication of a Preliminary Draft Charging Schedule
- Regulation 17 – Representations considered
- Regulation 19 – Submission of a Charging Schedule
- IE – Independent Examination
- AVL – Approval of Charging Schedule

Appendix 1 sets out the documents that the Council will be preparing. Appendix 2 sets out a risk assessment for the preparation of the documents.

5. Statutory Assessments of the Local Plan

Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)

Section 19 of the Planning and Compulsory Purchase Act 2004, as amended, requires LPAs to carry out a 'sustainability appraisal' of the proposals in a Local Plan during its preparation. Many of the requirements for sustainability appraisal are similar to the requirements set out in the *Environmental Assessment of Plans and Programmes Regulations 2004*, which give effect to *European Directive 2001/42/EC* regarding the assessment of the effects of certain plans and programmes on the environment. Such assessments are known as *Strategic Environmental Assessment*, and are normally incorporated within the wider Sustainability Appraisal process and reporting.

Habitat Regulation Assessment (HRA)

A Habitat Regulation Assessment is required as a consequence of the *European Habitat Directive 92/43/EEC*. This requires the Local Planning Authority to undertake an assessment of the policies and proposals set out within its Local Plan on sites of International and European importance in terms of nature conservation i.e. Ramsar sites; Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

Service Impact Assessment (SIA)

Basildon Borough's Service Impact Assessment considers the impacts of the proposals in the Local Plan, and other planning documents, on those people with Protected Characteristics as set out in the *Equality Act 2010*.

6. Statement of Community Involvement

Section 17 (1) (b) of the Planning and Compulsory Purchase Act 2004 stipulates that the Local Planning Authority's Statement of Community Involvement (SCI) must be specified in the Local Development Scheme.

The SCI sets out how and when anyone with an interest in planning in the Borough can have their say on:

- Applications for planning permission for development
- Planning appeals (where permission is refused by the Council, but an applicant appeals to the Secretary of State)
- Planning enforcement; and
- Local Plans.

The Basildon Borough SCI was reviewed in 2016 and whilst it is likely that it will need updating to ensure it remains relevant and up to date, it is not planned that a further update will be take place during 2017-2019.

Appendix 1: The Documents

The documents that the Council will be preparing are:

- The Basildon Borough Local Plan; and
- The Basildon Borough Community Infrastructure Levy Charging Schedule.

A detailed timetable and schedule for each document is set out below.

Basildon Borough Local Development Scheme: 2017 to 2019

Q1 = Jan/Feb/Mar; Q2 = Apr/May/Jun; Q3 = Jul/Aug/Sep; Q4 = Oct/Nov/Dec.

	2017				2018				2019			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Local Plan					KD	Reg 19	Reg 20, 22	Reg 24	Reg 25	Reg 26 PM		
CIL Charging Schedule					KD	REg 15/16	Reg 17	KD, Reg 19	IE	AVL		

Local Plan Key	CIL Key
KD – Key decision by Committee & Council Reg 18 – Preparation and public consultation Reg 19 – Publication and public consultation Reg 20 – Reg 19 representations considered Reg 22 – Submission to the Secretary of State Reg 24 – Independent Examination Reg 25 – Recommendations from Independent Examiner Reg 26 – Adoption PM – Amendment of the Policies Map	KD – Key decision by Committee and Council Reg 15/16 – Consultation and Publication of Preliminary Draft Charging Schedule Reg 17 – Representations considered Reg 19 – Submission of Charging Schedule IE – Independent Examination (Reg 20, 21 and 23) AVL – Approval (Reg 25)

Supplementary Planning Documents (SPD)

Whilst to comply with legislation, documents which supplement the Local Plan do not have to be expressed in the LDS timetable, it is considered helpful to show what existing and future SPDs could be in place to represent the full Basildon Borough planning decision making framework. They are listed below for information purposes only.

Supplementary Planning Document	Adoption	Scheduled Update
Development Control Guidelines	Approved 1997	2019-2020
Gardiners Lane South	Approved 2003	2019-2020
Wickford Town Centre Masterplan	Approved 2006	2019-2020
Pitsea Town Centre Masterplan	Approved 2007	2019-2020
Billericay, Little Burstead, Great Burstead and Noak Bridge Conservation Area Appraisals and Management Plans	Approved 2012	n/a
Basildon Town Centre Masterplan	Approved 2012	2019-2020
Billericay Town Centre Conservation Area Shop Front Design Guide	Approved 2014	2019-2020
Essex Vehicle Parking Standards	Approved 2009	2019-2020
Planning Obligations Strategy	Approved 2015	2019-2020

Basildon Borough Local Plan	
What is the scope of this document?	It will establish the scale of growth the Borough needs to accommodate by 2034, together with a spatial strategy for its distribution. It will allocate sites to meet the Borough's development needs and provide detailed policies to manage development.
What is its geographical extent?	The whole of Basildon Borough
What Document Status does it have?	Document of the Development Plan
Will it be prepared jointly with other authorities and will this involve a joint committee?	No, but in its preparation will seek the views of Essex County Council as Education and Highways Authority and other authorities on strategic matters, in accordance with the Duty to Cooperate. It will also be built on evidence bases that have been prepared jointly with other authorities such as the Strategic Housing Market Assessment, South Essex Water Cycle Study and Strategic Flood Risk Assessment.
Will it be subject to any specific testing / appraisal?	Yes. Legally, it is the subject of Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitat Regulation Assessment and Service Impact Assessment. It must also be supported by infrastructure and viability testing.
Could it result in changes to the Policies Map?	Yes. There could be a general update to reflect new, or updated, natural / built environment designations, alongside new land use allocations.
What is its chain of conformity?	It must conform to national planning policy.
Proposed Timetable by Quarter	
Reg 19 – publication and consultation	Q2 2018
Reg 20 – representations considered	Q3 2018
Reg 22 – Submission	Q3 2018
Reg 24 – Examination	Q4 2018
Reg 25 – Examiners report	Q1 2019
Reg 26 – Adoption	Q2 2019

Basildon Borough Community Infrastructure Levy Charging Schedule	
What is the Community Infrastructure Levy (CIL)	Community Infrastructure Levy (CIL) will be a charge levied on certain types of development in the Basildon Borough. It is the mechanism which the Council must use in the future to ensure new development contributes towards the funding of upgrades to local and strategic infrastructure such as education, healthcare and roads to ensure the Borough's growth is as sustainable as possible.
What is the scope of this document?	It will set out the CIL rates per square metre for different types of development which the Council as the "Charging Authority" will collect to fund either itself or by transfer to other organisations the provision, improvement, replacement, operation or maintenance of that infrastructure required to support development in the Borough as set out in the Local Plan. It will detail the Council's CIL governance and management arrangements and implementation in line with the CIL Regulations.
What is its Geographical extent?	It will apply to the Basildon Borough
What Document Status does it have?	It is a document of the Development Plan, but is subject to its own specific consultation and procedural requirements as set out in the CIL Regulations.
Will it be prepared jointly with other authorities and will this involve a joint committee?	No, but its preparation will seek the views of other authorities to account for the scale of investment needed to help fund strategic infrastructure within and beyond the Borough boundary.
Will it be subject to any specific testing / appraisal?	Yes, however the process is not the same as for Local Plan Documents. Instead the focus will be on how the proposed CIL charge would affect development viability. It does not require a Sustainability Appraisal or Habitat Regulation Assessment.
Could it result in changes to the Policies Map?	No.
What is its chain of conformity?	Must be consistent with the Local Plan. Must be prepared in accordance with the Planning Act 2008, CIL Regulations and any relevant Government guidance.
Proposed Timetable by Quarter	
Reg 15 & 16 – consultation and publication of Preliminary Draft Charging Schedule	Q2 2018
Reg 17 – representations considered	Q3 2018
Reg 19 – submission of Charging Schedule	Q4 2018
IE (Reg 20, 21 and 23) – independent examination and report	Q1 2019
AVL (Reg 25) – approval	Q2 2019

Appendix 2: Risk Management

There are several factors which may impact upon the ability of the Council to keep to the timetable for the production of local plan documents. This will have implications for the Council in terms of putting in place a plan for the Borough which provides certainty to residents, businesses and other stakeholders about where development will, and will not, be directed. Without such a plan, the Council will not be able to:

- Take into account the cumulative effects of development in an area when assessing planning applications and seeking S106 contributions towards infrastructure;
- Bid effectively for infrastructure funding where the criteria are linked to growth;
- Charge a Community Infrastructure Levy;
- Have a secured housing land supply that provides certainty over the payment of New Homes Bonus and the Council Tax Base; and
- defend appeals for development in locations which are not preferred locally. Where a plan is out of date, national policy in the National Planning Policy Framework, including the presumption in favour of sustainable development, will be applied

Additionally, the Government has confirmed that it will intervene in plan-making in areas where Councils without a post 2004 local plan have not submitted a plan for consideration by the Planning Inspectorate by early 2018. This will reduce the control the local planning authority has over such matters. They have also indicated that they will withhold New Home Bonus payments for the same reason from April 2018.

The key risks to the successful production of the local plan documents are:

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
Significant public opposition to the Local Plan	High	<p>The Local Plan will tackle contentious issues that could give rise to significant public opposition.</p> <p>Whilst every effort will be made to build cross-community consensus, there remains risk of significant public opposition to the Local Plan proposals.</p> <p>Logistically this could cause a higher volume of work in the processing and analysis of representations than accounted for in the LDS timetable, which could set it back (as occurred in 2016).</p> <p>This will be kept under review and, should delays be forecast as probable, the Council will review whether resources can be increased (e.g. through temporary staffing or temporary staff redeployment) to keep any delays to a minimum.</p>	Medium

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
Legal Challenge	High	<p>A legal challenge can be lodged to any Local Plan document within 6 weeks of its adoption. The degree to which this could occur is uncertain due to the relatively new Local Plan system created by changes made to the Planning Acts, by the Localism Act 2011.</p> <p>To avoid a legal challenge, every effort will be made to ensure that procedures are followed and facts are correct.</p>	Medium
Inability of the Planning Inspectorate (PINS) to deliver examinations / reports to timetable	High	<p>Since 2010, the Planning Inspectorate's remit has expanded and its budget cut as part of the Government's austerity measures. This has led to a number of changes in how the Inspectorate operates. There remains a risk therefore that PINS may not have the capacity to provide an Inspector at the exact time the Council would like an Examination in Public to start. Despite recent efforts to recruit additional Inspectors, there remains a risk that demand for Inspectors to serve EiPs may outstrip the supply, compounding staff shortages that have been present for some time.</p> <p>The Council will maintain an open dialogue with PINS during the preparation of the Local Plan up to Regulation 19 stage to gauge whether timescales can be met by both organisations.</p> <p>If problems occur, which are beyond the Council's control, it will have to accept some slippage to the LDS timetable and the LDS would need to be amended accordingly in line with that advice.</p>	Medium
Staff turnover, staff loss, long term sickness	Medium	<p>As with any organisation, from time to time staffing pressures such as sickness, maternity, paternity leave and staff loss need to be effectively managed. This will be undertaken in line with Council procedures for staff retention, as well as measures such as recruiting into vacancies as quickly as possible, using temporary staff and secondments, or Service Level Agreements with other Councils, where possible, to cover maternity/paternity leave.</p>	Low

Threat	Level of Risk	Comment and Proposed Mitigation	Managed Risk
Financial shortfall	Medium	<p>Local Plan document preparation can be expensive, particularly the preparation or commissioning of the evidence base, production of documents, thorough consultation and public examination.</p> <p>Examination costs may inflate due to the length or complexity of an examination and the hiring of expert witnesses to defend the Council's plan.</p> <p>Legal challenge could also mean further unforeseen costs are incurred, such as legal fees.</p> <p>The Local Plan budget is subject to regular monitoring and profiling by Financial Services and the Team Manager – Planning Policy to ensure that any pressures are identified early and to enable unspent budget to be carried forward across financial years to ensure this LDS remains financially supported and therefore viable as a plan-making programme. The S151 officer is notified through this process should overspends be predicted in current or future years to ensure the budget remains on target.</p>	Medium
Changing political priorities	High	<p>Compared to other local planning authorities, Basildon comprises a mixed Membership from across the political spectrum. This means that political priorities can be subject to change over the course of an extended programme of work, such as the Local Plan. Where changing political priorities result in significant changes to a development plan document, there is the need for consultation to occur in accordance with Regulation 18. This has the potential to delay the plan programme by up to year on each occasion.</p> <p>In order to ensure that Members are aware of this risk, and its implications in terms of the Council's reputation, compliance with legislation and its finances, these will be highlighted in reports to Committees /Council. Additionally, the detailed programme of work will include reporting to Members, and also the use of Member Briefing sessions to ensure Members have a full appreciation of the evidence base and the recommendations of professional officers. Where appropriate this will be supported with the provision of legal advice.</p>	Medium