

Thurrock Council

Appendix A

# Statement of Community Involvement

## **DRAFT FOR CONSULTATION**

June 2022



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# 1 INTRODUCTION

## What is the Statement of Community Involvement?

- 1.1 Planning is all about creating successful places that enable people to live healthier, more prosperous, and better-connected lives. It's also about supporting local businesses and making sure that the things that make our places special are protected. Planning decisions can be small in scale like an extension to your home or nationally significant like the expansion of a port and everything in-between. Planning genuinely affects everyone who lives, works, and visits in a place. So, it is important that local communities and stakeholders are aware of and can participate in the planning process and be involved in planning decisions.
- 1.2 The Statement of Community Involvement (SCI) sets out how the Council will engage and consult with the local community and other stakeholders on planning matters by defining how and when they can get involved in the preparation of planning documents and in determining planning applications.
- 1.3 The Council, like all other local planning authorities is required by national legislation to prepare an SCI. This requirement is set out in Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended).

## Why is the Statement of Community Involvement being updated?

- 1.4 Local planning authorities are required to review and update their SCI every five years. The previous SCI for Thurrock was adopted in December 2015. Work on an update was started in 2019 with a consultation on a draft version undertaken during the end of 2019, however progress was halted in early 2020 due to the Council focusing its resources on responding to the COVID-19 pandemic.
- 1.5 As a consequence of the pandemic the Council, like Thurrock's residents and businesses, has adapted to and established new ways of working and communicating effectively with others. These new methods are useful engagement tools which weren't considered in 2019 draft. The pandemic also brought about temporary changes to how Councils could consult on planning matters which was in direct conflict with the approaches to consultation set out in SCIs published prior to 2020. Whilst restrictions and temporary changes to consultation have ceased it is important that any SCI update allows the Council to adapt its approach to consultation should the need ever arise.
- 1.6 The Council has therefore carried out a full review of the SCI, taking in to account the changes proposed within the 2019 draft SCI and representations to the consultation, as well as subsequent legislative changes, revised national guidance and the Council's Collaborative Communities framework.

## How will the Statement of Community Involvement be monitored?

- 1.7 The Town and County Planning (Local Planning) (England) (Amendments) Regulations 2017 requires the Council to undertake a review of the SCI every five years, starting from the date of adoption, to see whether it is being effective. Changes in national legislation or guidance, and/or a review of the Borough's Development Plan may also trigger a review of the SCI.

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## 2 THE COUNCIL'S APPROACH TO ENGAGEMENT

### Thurrock Collaborative Communities Framework

- 2.1 The Council has published a new framework which sets out its commitment to giving local people and key stakeholders a greater role in shaping the borough by enabling them to co-design and influence decisions, address challenges and realise ambitions. The Council's vision for the framework is:

*We are committed to creating a fair, accessible and inclusive borough where everyone has a voice and an equal opportunity to succeed and thrive, and where community-led ambitions are supported and actively encouraged.*

- 2.2 To help achieve the vision, the Council has identified several priorities which are centred around three themes and are as follows:

- **Engagement** - Involving residents in the decisions that affect their lives, using co-design and co-production methods in the issues facing Thurrock as well as the solutions.
- **Empowerment** - Supporting resilience within communities and voluntary sector networks through Asset-Based Community Development, supporting communities to champion change. We aim to enable communities to make a difference and to flourish, being clear about the role of public services.
- **Equality** - Ensuring services are free of prejudice and that our services enable all to have equal opportunities to prosper and contribute to building a diverse and inclusive borough, underpinned by 4 core equality outcomes:
  - access to services
  - supporting community integration and cohesion
  - improving resilience
  - workforce development

### Engagement in Planning

- 2.3 The Council's approach to community engagement and involvement in the planning process, as set out within this SCI, is aligned with the priorities of the Collaborative Communities Framework. When undertaking planning consultations, the Council will:
- Place community engagement at the front of the process, ensuring that opportunities for involvement exist at the earliest opportunity.
  - Keep the process simple by writing in plain English and explaining any planning terms that we use.
  - Communicate clearly by explaining the reasons why we want to involve you and receive your comments.
  - Use engagement methods that are relevant to the community being consulted and appropriate in scale.
  - Make it easy for you to get involved by setting out when and where you can provide your comments.

- Be inclusive by providing information in an accessible format and encouraging involvement from groups that are not usually involved in the planning process.
- Be transparent and objective by presenting all relevant facts about development proposals and considering all reasonable policy options for the Local Plan.
- Share information using the Council's website, local libraries and at the Council Offices in Grays<sup>1</sup>.
- Make sure your involvement is effective by ensuring all comments we receive are recorded, read and taken into consideration.

2.4 Opportunities for local communities and other stakeholders to engage in planning exist during the plan-making stage and during the development management stage which includes the consideration of planning applications and the enforcement of planning decisions. The scope for involvement for each planning process is set out below.

<b>Plan Making</b>		See page 5
<b>What this means:</b>	<b>Scope for community involvement:</b>	
The Council is responsible for preparing development plan documents and other planning documents such as supplementary planning documents which are used to guide development proposals and determine planning applications.	The Council needs to consult with stakeholders including local communities at key stages when preparing these documents and then uses the consultation responses to inform and shape the planning policies and guidance.	

<b>Development Management</b>		See page 21
<b>What this means:</b>	<b>Scope for community involvement:</b>	
This is the process by which people have to apply to the Council for permission to carry out certain types of development. The Council monitors the implementation of planning permissions, investigates alleged cases of unauthorised development and takes action where it is appropriate to do so.  Important to note that some types of development are permitted under national legislation and do not require planning permission and therefore won't include community involvement.	Most applications are subject to a period of public consultation to ensure the Council can take into account the views of local people and other stakeholders. Applications not subject to consultation include Lawful Development Certificates and non-material amendments. Significant applications are decided by elected Councillors (via committee). Developers are also encouraged to consult locally prior to submission of large-scale proposals.  If it is believed that a possible breach of planning control has occurred anyone can report it and the enforcement team will	

<sup>1</sup> In exceptional circumstances, such as health pandemics or the closure of public buildings, it may not be possible for documents to be viewed in person. The Council will always follow the most up to date government guidance and will promote effective community engagement using methods that are safe and practicable.

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investigate. Most breaches are reported by members of the public.

## Neighbourhood Planning

See page 28

### ***What this means:***

Whilst part of plan making, neighbourhood planning is undertaken by the community. Through neighbourhood planning they can produce their own plans and proposals for their area.

The Council has a duty to provide support and assistance to communities that undertake neighbourhood planning, and it is responsible for key stages in the process.

### ***Scope for community involvement:***

The Council needs to consult with stakeholders on applications for a neighbourhood area and neighbourhood forum. We will also publicise and consult on the pre-submission plan or development order.

The neighbourhood forum will consult stakeholders when they prepare the draft plan or development order before it is submitted to the Council.



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## 3 PLAN MAKING

- 3.1 Planning policies are used to make decisions on planning applications received by the Council. These policies are set out at a national level (in documents like the National Planning Policy Framework and Planning Practice Guidance) and at a local level through the Council's Development Plan which is made up of documents that are produced by the Council or jointly with other local planning authorities and any made neighbourhood plans produced by local groups designated as neighbourhood forums.
- 3.2 A Development Plan for an area contains the local planning policies which guide new development schemes on aspects relating to design, housing, employment, regeneration, protection and supply of green space, retail development and infrastructure. In Thurrock, the Council is also responsible for minerals and waste planning, so its Development Plan includes policies on minerals and waste.
- 3.3 The Development Plan may comprise of one Development Plan Document (DPD) also referred to as a Local Plan or several DPDs. The Development Plan sets out a vision for the future development of a place and includes a range of strategic, detailed and allocation policies to deliver that vision. Once adopted the policies within the Development Plan will form the main consideration in determining planning applications.
- 3.4 Supplementary Planning Documents (SPDs) are prepared to provide additional detail and guidance to support the policies and proposals in the Development Plan. They generally look at specific issues such as conservation and design and focus on a specific site or area. They do not form part of the Development Plan and as a result they do not have the same weight or status as policies in the Development Plan. SPDs and guidance notes are not examined by the Planning Inspectorate in the same way as the Local Plan, but they do go through public consultation and once adopted, they will be a 'material consideration' in determining planning applications.
- 3.5 Other planning documents that a Council is required to prepare includes an SCI, a Local Development Scheme which sets out the planning documents being prepared and the timetable for producing them, and an Authority Monitoring Report which provides information on the implementation of local planning policies. A Council may also decide to adopt a Community Infrastructure Levy which is a levy that a local planning authority can choose to charge on new developments to fund infrastructure.
- 3.6 Thurrock's current Development Plan is available to view via the Council's website (<https://www.thurrock.gov.uk/current-development-plan>). A new Local Plan is currently being prepared, the timetable for which is set out in the Local Development Scheme.
- 3.7 When preparing or updating planning documents, the Council must follow the preparation stages set out in national legislation. These state who the Council should consult and how they should undertake consultation. The stages and amount of engagement and consultation for each type of planning document are different.
- 3.8 This section of the SCI provides information on how the Council will prepare each of the documents that make up or support the Development Plan including what the stages for each are. First it will set out who the consultees are, how they can get involved and the ways in which the Council will seek their involvement.

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## Who can be involved?

- 3.9 Planning consultations are open to all, and the Council will ensure that everyone has the opportunity to have their say on proposed planning policies.
- 3.10 The Council is required through national legislation<sup>2</sup> to directly consult a number of ‘specific consultation bodies’, which are recognised as statutory organisations, when it is preparing planning policy documents. These include other public bodies such as neighbouring councils, Historic England, Natural England and the Environment Agency.
- 3.11 The Council will also consult ‘general consultation bodies’ which includes residents, landowners, interest groups and businesses that the Council considers is appropriate. If the consultation is on a specific topic or relates to a specific area within the borough, the Council may target the consultation towards those most likely to be affected, for example by setting up workshops on particular topics or hosting public exhibitions in certain settlements and areas. Where a consultation is on issues that affect the whole borough the Council will adopt consultation methods that seek to notify and engage as many individuals and stakeholders as possible.
- 3.12 A detailed list of both ‘specific’ and ‘general’ consultation bodies is provided within Appendix A.
- 3.13 In addition to the ‘specific’ and ‘general’ consultation bodies, the Council will seek to engage with those groups of the community who are generally under-represented in consultations and planning for a range of reasons. ‘Hard to reach’ groups include but are not limited to young people, the elderly, BAME, people with disabilities, Gypsy’s and Traveller’s and those with other protected characteristics.
- 3.14 Engaging with residents and other stakeholders is key to capturing local knowledge and to better understand the needs of all members of the community. To assist, the Council maintains a mailing list with the contact details of the various organisations, interest groups, residents, landowners, businesses and other stakeholders that it can notify of consultation and engagement events. This includes the statutory organisations but also anyone who has either commented upon previous consultation documents or expressed an interest in being notified of or involved in the preparation of planning documents. Those on the mailing list were contacted by the Council following the introduction of the General Data Protection Regulations (2018) (GDPR) and have confirmed they wish to remain on the list. All new subscribers to the mailing list are provided with the Council’s privacy policy when signing up.

### Consultation Database

Any organisation or individual can be added to the mailing list at any time by registering online at <https://consult.thurrock.gov.uk/register> or by contacting the Local Plans team either by email [growth&strategy@thurrock.gov.uk](mailto:growth&strategy@thurrock.gov.uk) or by calling 01375 652705 and providing their contact details.

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<sup>2</sup> Town and Country Planning (Local Development) (England) Regulations 2012

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## The Duty to Cooperate

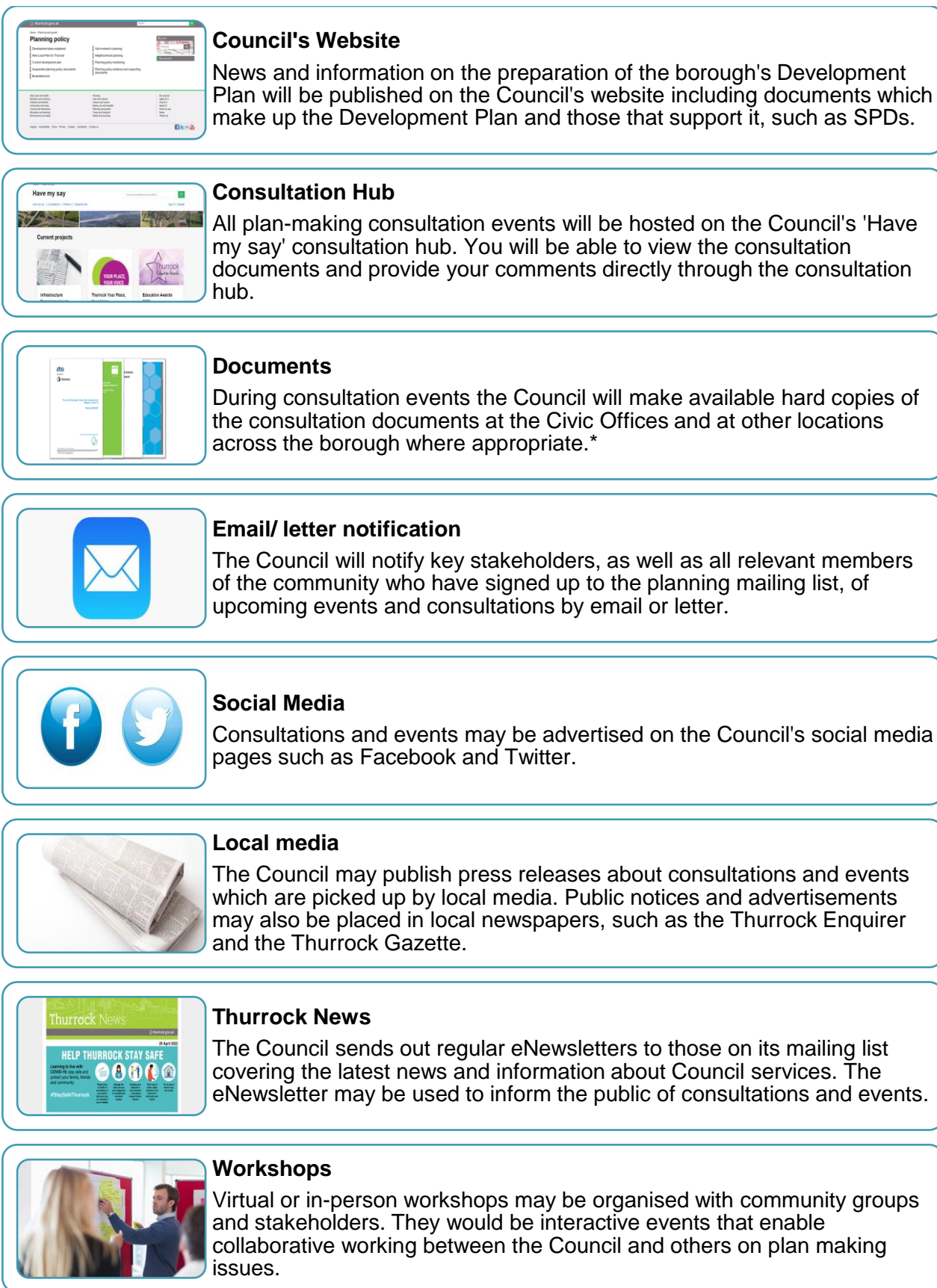
- 3.15 The Duty to Cooperate was introduced by the Localism Act (2011). It places a legal duty on local planning authorities and prescribed public bodies to engage constructively with each other, and on an ongoing basis, on strategic matters when preparing Local Plans and other planning policy documents. Strategic matters are those that have an impact on or relate to an area that crosses borough boundaries and includes housing, transport, education, waste management, marine, estuary and other environmental matters.
- 3.16 This duty is in addition to the existing requirements for consultation with these bodies as 'specific' consultation bodies in the preparation of planning documents. The list of prescribed bodies to be engaged under Duty to Co-operate is also set out in Appendix A.

## Types of consultation and engagement methods

- 3.17 The Council will use a range of methods to inform and consult with the community and other stakeholders in preparing planning documents. The ways in which we engage with you and how you can have your say will vary depending on the issue. Different techniques may also be used at different stages in the preparation of a planning document.
- 3.18 In response to the Covid-19 pandemic, the Council and its residents have had to adapt to new ways of working and communicating online. This has accelerated people's familiarity with online engagement tools and allowed a wider variety of people to easily access and participate in consultation events. We will continue to use a combination of online communication and engagement tools alongside traditional/face to face consultation methods to make sure that everyone who wants to, has the opportunity to engage with plan making in Thurrock.
- 3.19 The Council will always notify organisations and individuals where appropriate of any consultation events electronically using the Council's mailing list, or where a person does not have an email address, notifications by post will be sent to them to inform them of the consultation.
- 3.20 During consultation events and when publishing documents the Council will make all documents available to view online, but it will also normally make them available for inspection at the Council's Civic offices in Grays and at local libraries in accordance with planning legislation. Prior to this SCI update, there was a temporary change to the rules for publicity and availability of documents in response to the Covid-19 pandemic where hard copies of documents were not available. This temporary change applied to planning consultations. Whilst these restrictions have been lifted, the Council is mindful that exceptional circumstances may arise in the future which could prevent the Council carrying out its consultations in the 'normal' way. In such circumstances the Council will follow the latest government guidance and will adapt and amend its methods of engagement to ensure that consultation during these times is undertaken in the safest and most practicable way possible.
- 3.21 Figure 1 identifies some of the consultation methods that we may use to engage with communities and stakeholders.



**Figure 1: Plan-making consultation methods**





### **Exhibitions**

Virtual or in-person exhibitions may be held providing specific information on consultations and events related to the preparation of planning documents.



### **Meetings and community forums**

Council officers may attend/ host local meetings and forums to engage with communities and make them aware of consultations and events.



### **Your Place Your Voice Events**

Different teams within the Council work together at these events to raise awareness and provide information on a range of matters or Council services. This may include hosting joint consultation and engagement events.

*\* Alternative arrangements will be made during exceptional circumstances if hard copies cannot be available to view within public buildings.*

3.22 The above list of engagement methods is not exhaustive. The Council will remain flexible in the methods that are used when engaging and will tailor the methods of engagement used to those most appropriate to the audience that it is seeking comments from. The Council will also consider new ways of engaging and communicating should they arise during the lifetime of this document.

## **Continuous engagement**

3.23 In addition to the formal stages of consultation the Council will strive to maintain ongoing engagement with the relevant stakeholders throughout a plan's preparation.

### **Statements of Common Ground**

3.24 To demonstrate effective and on-going joint working on strategic cross boundary matters with neighbouring authorities and other key bodies the Council will produce and maintain Statements of Common Ground in accordance with the National Planning Policy Framework. They will document how the Council has complied with the duty to cooperate and will set out the cross-boundary issues being addressed and the progress that has been made in cooperating to address them throughout the plan making process.

### **Planning Performance Agreements**

3.25 The Council will also promote the use of voluntary Planning Performance Agreements with site promoters within plan making to encourage a more collaborative and proactive approach to evidence development, and the consideration and assessment of sites for future allocation. It is expected that such an approach will help deliver a faster and

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more effective plan making process by enabling early consideration of all the fundamental issues relating to whether a particular site or strategic development may be acceptable in principle for allocation. It will also provide the opportunity for those involved to work together to secure the necessary funding and delivery of supporting infrastructure.

## Responding to consultations

- 3.26 The easiest way to respond to a consultation on planning policy matters is to use the Council's online '**Have my say**' **Consultation Hub** ([www.consult.thurrock.gov.uk](http://www.consult.thurrock.gov.uk)). Key benefits of registering and making comments online include:
- Ability to view other consultees' comments - once they have been made
  - Ability to update personal details instantly - in order to change your contact details
  - Time saved - by viewing documents/comments as soon as they are available
  - Environmental benefits - of using a paperless online system
- 3.27 Written responses can also be emailed to [growth&strategy@thurrock.gov.uk](mailto:growth&strategy@thurrock.gov.uk) or posted to Strategic Services, Thurrock Council, Civic Offices, New Road, Grays, Essex RM17 6SL.
- 3.28 All comments that the Council receives will be made available for the public to view. To comply with GDPR, personal details such as postal addresses, email addresses or telephone numbers will remain confidential.
- 3.29 Where comments are submitted to us using the Consultation Hub, an automatic email notification will be sent once the comment has been processed. Other comments will be acknowledged on request.
- 3.30 Once a consultation period has ended, we will seek to log all comments that we have received on the Consultation Hub and will summarise them, where appropriate. The Council acknowledges that an important part of community involvement is to feedback to those who have commented. When preparing the Local Plan, other DPDs, SPDs and other planning documents that are subject to consultation the Council will produce a Statement of Consultation which sets out the persons consulted, a summary of the main issues raised and how those issues have been addressed within the document.

### ***What will you be expected to do?***

- 3.31 To ensure that your involvement is effective when responding to consultations, you are expected to:
- Provide comments in a clear and concise way.
  - Provide your comments within the published time period for that consultation activity or event.
  - Be aware that all comments will be made publicly available.
  - Be respectful of other people's views.
  - If you are replying on behalf of a group or organisation, state how members of the group have been involved in formulating the response and how the full range of members' views have been represented.

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## **Local Plans and other Development Plan Documents preparation stages**

- 3.32 Table 1 sets out the main stages in preparing the new Local Plan and any other DPD which the Council considers necessary to prepare, as well as the minimum level of consultation or notification that the Council will undertake when preparing these plans to comply with national legislation. The stages described are those specified in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which includes at least two formal rounds of public consultation by the Council. The Council may choose to undertake additional rounds of consultation where it considers these are necessary and beneficial to the preparation of the plan.
- 3.33 The extent of any consultation undertaken for the Local Plan and other DPDs will be proportionate to the scale of issues involved in the plan and the stage at which the Council is consulting on it. Whilst Table 1 sets out the minimum consultation or notification that the Council will undertake, additional engagement methods may be adopted where relevant and practicable.



**Table 1: Main stages and engagement during Local Plan preparation**

<b>Plan-making stage</b>	<b>Description of stage</b>	<b>What the Council will do</b>
<b>Stage 1: Evidence Gathering</b>	<ul style="list-style-type: none"> <li>The Council will gather and analyse evidence to understand what the borough's current and future needs are.</li> <li>This stage forms the basis of the evidence base that will support the preparation of the Local Plan.</li> <li>This stage also informs the scoping stage of the Sustainability Appraisal (SA) which incorporates the requirements of the Strategic Environmental Assessment (SEA).</li> </ul>	<ul style="list-style-type: none"> <li>This is not a formal consultation stage but the Council may request information from stakeholders and host workshops and meetings with key stakeholders.</li> </ul>
<b>Stage 2: Preparation (Regulation 18)</b>	<ul style="list-style-type: none"> <li>The Council will undertake public consultation on what the Local Plan should contain and invite representations.</li> <li>This could be undertaken in a single consultation on a 'Preferred Option' or draft Plan, or multiple consultations including an 'Issues and Options' style consultation and then consultation on a 'Preferred Option' or draft Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Notify specific and general consultees, as well as other relevant stakeholders that we are preparing a new Local Plan, provide information about the consultation, and invite comments for a minimum of 6 weeks.</li> <li>Make the Local Plan available to view on our website and at the Civic Offices and various locations within the borough*.</li> </ul>
<b>Stage 3: Publication (Regulation 19 &amp; 20)</b>	<ul style="list-style-type: none"> <li>The Council will review comments received from the previous stages along with any additional evidence and prepare a draft version of the Local Plan that it intends to submit to the Secretary of State. This is called the Proposed Submission Plan or Pre-Submission Plan.</li> <li>The Council is required to undertake a public consultation on the Proposed Submission Plan and invite representations which will be sent directly to the Secretary of State.</li> </ul>	<ul style="list-style-type: none"> <li>Make a copy of the proposed submission documents and a statement of the representations procedure available to view on the Council's website and at the Civic Offices and various locations within the borough*.</li> <li>Notify specific and general consultees that the statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and the places and times in which they can be inspected.</li> <li>Invite comments for a minimum of 6 weeks.</li> </ul>

Plan-making stage	Description of stage	What the Council will do
<p><b>Stage 4: Submission &amp; Examination (Regulation 22 &amp; 24)</b></p>	<ul style="list-style-type: none"> <li>The Proposed Submission Local Plan (along with its supporting evidence, Statement of Consultation and SA) are submitted to the Secretary of State to undergo an 'Independent Examination'.</li> <li>The Local Plan is examined by a Planning Inspector and assessed on whether it has been prepared in accordance with the legal and procedural requirements, and whether it is sound.</li> <li>This stage provides a further opportunity for anyone who has previously commented on the plan to present any concerns direct to the Planning Inspector.</li> </ul>	<p><i>For Submission:</i></p> <ul style="list-style-type: none"> <li>Submit the Local Plan and accompanying documents, including the Sustainability Appraisal Report and Statement of Consultation to the Secretary of State.</li> <li>Make a copy of the Local Plan and all other accompanying documents, as well as a statement of the fact that the documents are available for inspection and of the places and times at which they can be inspected, available to view on the Council's website and at the Civic Offices and various locations within the borough*.</li> <li>Notify specific and general consultees that the Local Plan and accompanying documents are available to view and the times and places where they can be viewed.</li> <li>Notify those people who requested to be notified that the Local Plan has been submitted to the Secretary of State.</li> </ul> <p><i>For Examination:</i></p> <ul style="list-style-type: none"> <li>At least 6 weeks before the examination hearings the Council will: <ul style="list-style-type: none"> <li>Publish the arrangements (date, time, place) of the examination hearings and the name of the person appointed to carry out the examination on the Council's website and at the Civic Offices and various locations within the borough*.</li> <li>Notify any person who has made a representation during the Publication Stage, and has not withdrawn that representation, of the published information.</li> </ul> </li> </ul>
<p><b>Stage 5:</b></p>	<ul style="list-style-type: none"> <li>To conclude the Examination, the Planning Inspector will prepare and send the Council a report</li> </ul>	<ul style="list-style-type: none"> <li>Publish on our website, at the Civic Offices and various locations within the borough*, a copy of the</li> </ul>

Plan-making stage	Description of stage	What the Council will do
<b><i>Inspector's Report</i></b>	<p>recommending any changes needed to make the plan 'sound' and confirm whether it can be 'adopted'.</p> <ul style="list-style-type: none"> <li>• These recommended changes may be subject to public consultation.</li> </ul>	<p>recommendations.</p> <ul style="list-style-type: none"> <li>• Notify those who requested to be notified that we have published the recommendations made by the Inspector.</li> <li>• If further consultation is required, the Council will undertake the consultation using the same approach and methods used during stages 2 and 3.</li> </ul>
<b><i>Stage 6: Adoption</i></b>	<ul style="list-style-type: none"> <li>• Where necessary the Council will amend the Local Plan to reflect the Planning Inspectors findings.</li> <li>• The Local Plan is then adopted by the Council and will be published on the website along with an Adoption Statement and the SA.</li> </ul>	<ul style="list-style-type: none"> <li>• As soon as reasonably practicable after adoption the Council will: <ul style="list-style-type: none"> <li>• Send adoption statement to those who asked to be notified.</li> <li>• Send adoption statement to Secretary of State</li> <li>• Publish adopted plan, accompanying documents and adoption statement on website.</li> <li>• Provide inspection copies of adopted plan, accompanying documents and adoption statement at the Civic Offices and various locations within the borough*.</li> </ul> </li> </ul>

*\* Alternative arrangements will be made during exceptional circumstances if hard copies cannot be available to view within public buildings.*

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## **Supplementary Planning Documents and Interim Planning Guidance Notes preparation stages**

3.34 When preparing an SPD, the Council must ensure that it has met all the statutory consultation requirements set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The main stages in preparing these documents are set out in Table 2 along with the minimum level of engagement that the Council will undertake. The Council may also undertake engagement on other documents such as conservation area appraisals, masterplans, design codes and development briefs and will follow a similar process to preparing these as they would with an SPD or Interim Planning Guidance Note.

**Table 2: Main stages and engagement during SPD preparation**

<b>Plan-making stage</b>	<b>Description of stage</b>	<b>What the Council will do</b>
<b>Stage 1: Evidence Gathering</b>	<ul style="list-style-type: none"> <li>The Council will first establish where additional guidance is needed. This may include collecting and analysing additional evidence and seeking views from relevant stakeholders.</li> <li>It is at this stage that the Council will identify whether a Strategic Environmental Assessment (SEA) is required.</li> </ul>	<ul style="list-style-type: none"> <li>This is not a formal consultation stage but the Council may request information from stakeholders and host workshops and meetings with key stakeholders.</li> </ul>
<b>Stage 2: Consultation Draft (Regulation 12/13)</b>	<ul style="list-style-type: none"> <li>The Council will first establish where additional guidance is needed. This may include collecting and analysing additional evidence and seeking views from relevant stakeholders.</li> <li>It is at this stage that the Council will identify whether a Strategic Environmental Assessment (SEA) is required.</li> </ul>	<ul style="list-style-type: none"> <li>Notify specific and general consultees, as well as other relevant stakeholders of the consultation and invite comments for a minimum of 4 weeks.</li> <li>Make the SPD available to view on our website and at the Civic Offices and various locations within the borough*.</li> </ul>
<b>Stage 3: Adoption (Regulation 14)</b>	<ul style="list-style-type: none"> <li>The Council will first establish where additional guidance is needed. This may include collecting and analysing additional evidence and seeking views from relevant stakeholders.</li> <li>It is at this stage that the Council will identify whether a Strategic Environmental Assessment (SEA) is required.</li> </ul>	<ul style="list-style-type: none"> <li>Submit the SPD and the Statement of Consultation to the relevant committee for consideration and adoption (SPDs are not subject to independent examination).</li> <li>Once adopted, the Council will:               <ul style="list-style-type: none"> <li>Publish the SPD, accompanying documents and adoption statement on the website.</li> <li>Provide inspection copies of the SPD, accompanying documents and adoption statement at the Civic Offices and various locations within the borough*.</li> <li>Send a copy of the adoption statement to anyone who requests to be notified of the SPD's adoption</li> </ul> </li> </ul>

\* Alternative arrangements will be made during exceptional circumstances if hard copies cannot be available to view within public

*buildings.*

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## **Sustainability Appraisal and Strategic Environmental Assessment**

- 3.35 Local Plans and other DPDs must be accompanied by a Sustainability Appraisal (SA) which incorporates the requirements of the Strategic Environmental Assessment (SEA) as set out in the Environmental Assessment of Plans and Programmes Regulations (2004) (as amended). The purpose of the SA is to promote sustainable development by assessing the extent to which the draft plan will achieve the social, economic and environmental objectives identified for the area. The SEA focuses only on the likely environmental effects of a plan and is often incorporated into a SA so that the potential environmental effects are given full consideration alongside social and economic issues. Other types of planning documents such as Supplementary Planning Documents and Neighbourhood Plans do not require a SA but a SEA may be required.
- 3.36 The Council is preparing an Integrated Impact Assessment (IIA) for the Local Plan which comprises the SA incorporating SEA, as well as a Health Impact Assessment and Equalities Impact Assessment. It will follow the same preparation process as a SA or standalone SEA in order to comply with the relevant legislation.
- 3.37 The first stage in undertaking a SA or a standalone SEA is to consider the scope of the appraisal process. It includes a review of other relevant plans, policies and programmes that relate to the local area; information on the present state of the local environment (the baseline); a discussion of the local sustainability issues and a series of sustainability objectives that must be considered when preparing the Local Plan.
- 3.38 National legislation requires the Council to consult the three statutory consultees, namely the Environment Agency, Natural England and Historic England, on the scope of the assessment which will be set out in a draft Scoping Report before it is approved by Council.
- 3.39 The SA or standalone SEA will then be undertaken throughout the preparation of the plan and a report will be produced at each of the main stages. When the Council consults on the Local Plan or other planning document it will also consult on the accompanying SA or SEA report.

## **Community Infrastructure Levy preparation stages**

- 3.40 A Community Infrastructure Levy (CIL) is a tariff-based charging schedule that applies to specific types of development, such as housing. When planning permission is secured, developers will be required to pay a financial contribution, which is used to part-fund the provision and maintenance of necessary strategic and local infrastructure projects, such as transport, schools, health centres, flood defences, play areas and open spaces.
- 3.41 Local planning authorities are not required to produce a CIL but if they do it must be prepared in accordance with The Community Infrastructure Levy Regulations 2010 (as amended) which requires one formal round of public consultation. The stages involved in preparing a CIL and the minimum level of engagement that will be undertaken by the Council is set out in Table 3.

**Table 3: Main stages and engagement during CIL preparation**

Plan-making stage	Description of stage	What the Council will do
<b>Stage 1: Evidence Gathering</b>	<ul style="list-style-type: none"> <li>The Council will gather information to identify local infrastructure needs and funding gaps and assess the viability of developments.</li> </ul>	<ul style="list-style-type: none"> <li>This is not a formal consultation stage but the Council may request information from stakeholders and host workshops and meetings with key stakeholders.</li> </ul>
<b>Stage 2: Draft Charging Schedule (Regulation 16 &amp; 17)</b>	<ul style="list-style-type: none"> <li>The Council will prepare a Draft Charging Schedule using the information it gathered during stage 1.</li> <li>The Draft Charging Schedule will then be published for public consultation and the Council will invite representations.</li> </ul>	<ul style="list-style-type: none"> <li>Make a copy of the draft charging schedule, supporting evidence and statement of the representations procedure, as well as a statement of the fact that the documents are available for inspection and of the places and times at which they can be inspected, available to view on the Council's website and at the Civic Offices and various locations within the borough*.</li> <li>Publish in local newspapers a notice setting out the statement of the representations procedure and the statement of the fact that the documents are available for inspection and of the places and times at which they can be inspected.</li> <li>Invite comments for a minimum of 4 weeks.</li> <li>Send a copy of the draft charging schedule and the statement of representation procedure to the consultation bodies.</li> </ul>
<b>Stage 3: Submission &amp; Examination (Regulation 19 &amp; 20)</b>	<ul style="list-style-type: none"> <li>The Charging Schedule along with the Statement of Consultation and any supporting documents are submitted to the Secretary of State for examination.</li> <li>The Charging Schedule will then be examined by an independent examiner who will consider any representations received during consultation.</li> </ul>	<p><i>For Submission:</i></p> <ul style="list-style-type: none"> <li>Submit the Draft Charging Schedule and accompanying documents, including the Statement of Consultation to the examiner.</li> <li>Make a copy of the Draft Charging Schedule and all other accompanying documents available to view on the Council's website and at the Civic Offices and various locations within the borough*.</li> <li>Notify those people who requested to be notified that the</li> </ul>



Plan-making stage	Description of stage	What the Council will do
		<p>draft charging schedule has been submitted to the examiner.</p> <p><i>For Examination:</i></p> <ul style="list-style-type: none"> <li>• Publish on our website and in the local newspaper, the time and place that the examination is to be held and the name of the examiner.</li> <li>• Inform anyone who made a representation on the Draft Charging Schedule and anyone who requested to be heard, the time and place that the examination is to be held and the name of the examiner.</li> </ul>
<b>Stage 4: Examiner's Report</b>	<ul style="list-style-type: none"> <li>• The examiner will prepare and send the Council a report setting out their recommendations and the reasons for those recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>• Publish on our website, at the Civic Offices and various locations within the borough* a copy of the recommendations and reasons made by the examiner.</li> <li>• Notify those who requested to be notified that we have published the recommendations and reasons.</li> </ul>
<b>Stage 5: Approval and Publication (Regulation 25)</b>	<ul style="list-style-type: none"> <li>• The examiner will publish a report setting out recommendations and the reasons for those recommendations.</li> <li>• If approved, the Council with then publish (adopt) the CIL Charging Schedule.</li> </ul>	<ul style="list-style-type: none"> <li>• Publish the Charging Schedule and make available for inspection at the Civic Offices, other various locations within the borough* and on the website.</li> <li>• Publish in the local newspaper a notice that the Charging Schedule has been approved and where it can be viewed.</li> <li>• Notify those who requested to be notified that the Charging Schedule has been approved.</li> <li>• Send a copy of the Charging Schedule to each relevant consenting authority.</li> </ul>

*\* Alternative arrangements will be made during exceptional circumstances if hard copies cannot be available to view within public buildings*

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## 4 DEVELOPMENT MANAGEMENT

- 4.1 The Development Management process principally involves the consideration and determination of planning applications that are submitted to the Council. There are certain types of work that do not require planning permission. This is called '**permitted development**'. Full details of this can be found on the Planning Portal website <https://www.planningportal.co.uk/>.
- 4.2 Local planning authorities are required by law to consult individuals and public bodies on various planning applications, ranging from large-scale 'major' development to minerals or waste proposals to listed building consent to smaller household applications and changes of use. The Council takes into account all views expressed and all comments made before reaching a decision.
- 4.3 This section of the SCI sets out how the Council will involve the community and stakeholders at various stages of the planning application process. The three main stages in process are:
- Pre-application
  - Planning Application
  - Planning Appeals
- 4.4 This section also provides information on planning enforcement and the important role the community has in identifying potential breaches.

### Pre-application stage

- 4.5 The Council encourages pre-application discussions for certain types of development before making a formal application. The objective of these discussions is to establish whether the principle of the development is acceptable and to enable early consideration of fundamental issues, such as design, infrastructure and affordable housing. The Council will provide comments on the proposal and help overcome any potential difficulties that may arise. The more issues that can be resolved at the pre-application stage, the more likely it is to result in a good quality and acceptable development. For more information on how to request pre-application advice or information on the fees charged, please visit: [www.thurrock.gov.uk/pre-application-advice/pre-application-advice-service](http://www.thurrock.gov.uk/pre-application-advice/pre-application-advice-service).
- 4.6 The National Planning Policy Framework (NPPF) recognises the potential of early engagement to improve the efficiency and effectiveness of the planning application system for everyone. While pre-application discussions are normally confidential between the applicant and the Council, however public engagement with the local community at this stage is strongly encouraged. The level of engagement should be proportionate to the nature and scale of the proposed development. The more controversial the proposal, the broader the range of consultation methods should be, to allow as many people as possible to have their say.

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- 4.7 Engagement with statutory and non-statutory consultees, particularly infrastructure providers, is also likely to be beneficial prior to submitting a planning application.

### **Planning Performance Agreements**

The Council is committed to dealing with major planning applications in a timely and effective way. The Council promotes the use of pre-application discussions for all proposals. However, for some proposals a Planning Performance Agreement (PPA) is encouraged as they can provide bespoke ongoing advice. In order for all parties to gain maximum benefit from a PPA, it is essential that there is engagement between developers, the Council, the local community and relevant stakeholders. The level of community engagement will be dependent upon the type of development proposal and will be identified in the PPA.

For more information on PPAs within development management, including fees please visit: [www.thurrock.gov.uk/support-for-investors-developers-and-agents/planning-performance-agreements](http://www.thurrock.gov.uk/support-for-investors-developers-and-agents/planning-performance-agreements).

### **Local communities**

- 4.8 The Council strongly encourages applicants of large-scale development proposals to involve local communities before the formal application stage begins. This enables local communities to put forward initial constructive comments and suggestions and may lead to fewer objections being made further down the line, which are then material to the determination of the application. However, this is dependent on the applicant and the Council cannot require applicants to involve the local community. The Localism Act (2011) introduced a requirement for developers to consult local communities before submitting planning applications for certain types of development, but this is limited to those specified in a development order.
- 4.9 It is recommended that pre-application consultation carried out by applicants with local communities should be in the form of meetings, presentations and/or exhibitions<sup>3</sup>. Applicants are encouraged to speak with the Council before arranging these events, so that they can be undertaken in a manner that is sensitive to the local community's concerns. However, any pre-application engagement undertaken with the community is done so by the applicant, independently of the Council. Therefore, it is important that any comments being made are directed to the applicant and not to the Council at this stage.

### **Design Review**

- 4.10 All significant development proposals must also be assessed by our Design Review panel before a planning application is submitted. The Design Review panel operates under 10 nationally accepted design review principles and all reviews are focused on outcomes for people.

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<sup>3</sup> During exceptional circumstances the Council will expect alternative engagement methods to be used by applicants to consult with the local community if face to face meetings, presentations and exhibitions cannot take place.

## The planning application stage

- 4.11 Once the Council receives a planning application, 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.
- 4.12 Once validated, the Council is obliged to undertake public consultation (it should be noted that not all application types are subject to notification or consultations procedures).

### ***How and who the Council consult on planning applications***

- 4.13 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. Such requirements involve placing a notice in the local press and/or displaying a site notice and/or serving notice on adjoining owners and occupiers of the site.
- 4.14 Statutory requirements for notifications and consultation vary for different types of application, and the type of notification will be dependent on the nature of the application. Table 4 sets out the minimum level of consultation that the Council will undertake for the different types of planning applications<sup>4</sup>.

***Table 4: Notification and consultation methods for different types of planning applications***

<b>Application Type</b>	<b>Method used</b>
<b><i>Application accompanied by an EIA (Environmental Impact Assessment)</i></b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Newspaper Advert</li> <li>• Website</li> </ul>
<b><i>Applications which do not accord with the development plan</i></b>	
<b><i>Proposal affecting a public right of way</i></b>	
<b><i>Major development</i></b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Letter to adjoining property</li> <li>• Newspaper Advert</li> <li>• Website</li> </ul>
<b><i>Minor development:</i></b>	<ul style="list-style-type: none"> <li>• Site Notice OR Letter to adjoining property</li> </ul>

<sup>4</sup> During exceptional circumstances it may not be possible to comply with all the requirements to notify and consult on planning applications as set out in Table 4. The Council will always follow the most up to date government guidance and will use methods that are safe and practicable.

<ul style="list-style-type: none"> <li>• <b>Change of Use</b></li> <li>• <b>Variation or removal of condition(s) attached to a previous approval</b></li> <li>• <b>Householder development</b></li> </ul>	<ul style="list-style-type: none"> <li>• Newspaper Advert ONLY where affecting the character or appearance of a Conservation Area or Listed Building</li> <li>• Website</li> </ul>
<b>Listed Building Consent</b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Newspaper Advert</li> <li>• Website</li> </ul>
<b>Advertisement Consent</b>	<ul style="list-style-type: none"> <li>• Website</li> </ul>
<b>Approval of Details</b>	
<b>Non-material amendments</b>	
<b>Certificate of Lawful Use or Development (existing and proposed)</b>	
<b>Householder Prior Approval applications</b>	<ul style="list-style-type: none"> <li>• Letter to adjoining property</li> <li>• Website</li> </ul>
<b>Other Prior Approval Applications</b>	<ul style="list-style-type: none"> <li>• Site Notice OR Letter to adjoining property depending on legislative requirements</li> <li>• Website</li> </ul>
<b>Works to Protected Trees</b>	<ul style="list-style-type: none"> <li>• Site Notice</li> <li>• Website</li> </ul>

4.15 There are a range of statutory consultees that must be consulted, depending on the type and nature of the planning application, as set out above. Letters to adjoining property means that owners and occupiers of any land which adjoins that to which a planning application relates are informed by letter and consulted on the application.

4.16 The Council informs the general public on planning applications in a more generalised way. All planning applications that we receive are published on the Council's website. In the case of major or controversial applications, where the Council considers there to be a wider impact resulting from a development proposal or where the Council is required, it will also display public site notices in proximity to the application site. Adverts are placed in the local newspaper(s) where required and provide another method of informing the general public on planning applications.

### **Viewing planning applications**

4.17 Details of planning applications and appeals are available to view on the Council's

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website using the planning application search facility at: <https://regs.thurrock.gov.uk/online-applications/>. This includes application forms, drawings and other supporting documentation, planning decisions and important dates. Some older applications are only available in paper form on public files at our Civic Offices, Grays. The Council's website also contains weekly and monthly lists of all planning applications and decisions made.

### ***Having your say on planning applications***

4.18 There are three ways you can comment on a planning application:

- Online: <https://regs.thurrock.gov.uk/online-applications/>
- Email: [development.management@thurrock.gov.uk](mailto:development.management@thurrock.gov.uk)
- Post: Planning Services, Thurrock Council, Civic Offices, New Road, Grays, Essex RM17 6SL

4.19 Once comments are received, they are uploaded on to the Council's website. The Council will take account of all responses received as a result of its consultations on planning applications where the issues raised are material planning considerations.

4.20 You can make comments on planning applications up to the expiry date. The Council will use its discretion and take into account any comments received up until the case officer prepares their recommendation report.

4.21 Any comments you make will be a matter of public record and they will be visible on the Council's website and for public inspection at the Council Offices. We reserve the right to obscure any comments that we consider to be inflammatory before they are displayed on the website.

### ***Making decisions on planning applications***

4.22 The majority of applications are dealt within eight weeks (or 13 weeks for major applications). The results of any consultation will be reported and taken into account in decisions made by the Council.

4.23 Most planning applications are determined by officers under delegated powers. Major or contentious applications, or those that have been 'called in' by Councillors are taken to the Council's Planning Committee for determination.

4.24 If the decision is delegated, the case officer will prepare an Officer's report that will set out the officer's recommendation for approval or refusal. If the decision is to be made by Committee, a report will be prepared containing the officer's recommendations and presented to the Planning Committee. Meetings of the Council's Planning Committee are usually held every 4 weeks and members of the public are allowed to speak at the meeting.

4.25 Once a decision on an application has been reached, the Council will send out a decision notice to the applicant or their agent, where applicable and inform anyone who has submitted written to comments to us of the outcome of the decision.

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## **Material Considerations**

When a decision is made on a planning application, only certain issues are taken into account. These are often referred to as 'material planning considerations'. Weight attached to material considerations is a matter of judgement for the decision-taker; however, they must demonstrate that in reaching their decision they have considered all relevant matters. Further detail on this can be found in Appendix B.

## **Planning appeals**

- 4.26 Where a planning application is refused, the applicant may appeal against the decision. There is also a right of appeal if the application has not been determined within the relevant time limit. Where an application goes to appeal, the Council will notify interested parties, such as neighbours, and will give them the right to submit their views in writing or in person, depending on the method of appeal.
- 4.27 For appeals decided by informal hearing or public inquiry, interested parties are also given the opportunity to appear before the Inspector at the hearing or inquiry. The Inspector will consider the evidence and decide whether to 'allow' or 'dismiss' the appeal.
- 4.28 The Planning Inspectorate will inform the Council and interested parties of the outcome. The Inspector's decision is binding on the Council, although it can be challenged on a point of law in the High Court. Third parties do not have the right to appeal decisions.

## ***Nationally Significant Infrastructure Projects***

- 4.29 Nationally Significant Infrastructure Projects (NSIPs) are usually large-scale developments, such as new ports, power generating stations (including wind farms) and electricity transmission lines, which require a type of consent known as 'development consent'. The Planning Inspectorate is responsible for the planning process for NSIPs, not the Council.
- 4.30 Any developer wishing to construct an NSIP must first apply to the Planning Inspectorate for consent to do so. The Planning Inspectorate examines the application and makes a recommendation to the relevant Secretary of State, who then decides whether to grant or refuse development consent.

## **Enforcement**

- 4.1 The Council also has Planning Enforcement powers to resolve breaches of planning control but to do so it must firstly know about these instances, and secondly understand the level of harm caused. As such, local people play an essential role in this aspect of the planning system.
- 4.2 If you think that development may have been undertaken without planning consent it can be reported to the Council's Planning Enforcement Team for investigation. Further information about planning enforcement, enforcement procedure and how to report a

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potential planning breach can be found online (<https://www.thurrock.gov.uk/planning-enforcement/planning-breaches>).



## 5 NEIGHBOURHOOD PLANNING

### What is Neighbourhood Planning?

- 5.1 Neighbourhood planning was introduced by the 2011 Localism Act to give local communities the opportunity to draw up their own plans and proposals for shaping the future of their areas, as long as they comply with national and local strategic policies.
- 5.2 There are three types of neighbourhood planning available to communities:
- **Neighbourhood Plan** – enables a community to establish a vision and provide planning policies for the future use and development of land in the local community area. Once adopted, a neighbourhood plan will form part of the Council’s development plan, against which all planning applications and proposals will be decided.
  - **Neighbourhood Development Order** – allows communities to grant planning permission for certain types of development that they would like to see happen in their area.
  - **Community Right to Build Order** – allows communities to grant planning permission for local small-scale developments that they would like to see, such as, housing, community facilities or shops.
- 5.3 Neighbourhood planning cannot be used to block the building of the homes and businesses considered to be necessary to meet the Borough’s current and future needs. However, it can be used to influence the location, type, and design of new development.

### What is the process for preparing a Neighbourhood Plan or Neighbourhood Development Order?

- 5.4 There are five main stages in preparing a neighbourhood plan or Order are set out in Table 5.

**Table 5: Stages in preparing a neighbourhood plan or Order**

Stages	What happens
<b>Stage 1: Set up a Neighbourhood Forum and agree its planning area</b>	<ul style="list-style-type: none"><li>• The community decides on the ‘neighbourhood area’ that they wish to prepare a neighbourhood plan or Order for. The only bodies that can produce a neighbourhood plan or Order in Thurrock are designated neighbourhood forums.</li><li>• A neighbourhood forum must be a group of at least 21 people who either live in the neighbourhood area, work there or are elected members for all or part of the neighbourhood area.</li><li>• Both the neighbourhood area and the</li></ul>

	<p>neighbourhood forum will need to be formally designated by the Council to ensure that they make sense for planning purposes and do not overlap with any other neighbourhood planning area. Prior to this decision the Council must first publicise and consult on the area and forum applications for a minimum 6 weeks.</p>
<p><b><i>Stage 2: Preparing and consulting on a Neighbourhood Plan or Neighbourhood Development Order</i></b></p>	<ul style="list-style-type: none"> <li>• The preparation of the neighbourhood plan or Order is the most significant stage in the neighbourhood planning process. The neighbourhood forum must gather ideas for the area and develop proposals for the neighbourhood plan or Order.</li> <li>• Everyone who lives or works in or around the local community must be appropriately consulted on the proposals. This includes residents, local businesses and landowners, as well as relevant local, regional and national organisations and agencies. The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the requirements for consultation and publicity at key stages with those living or working in the neighbourhood area, and those who may have an interest in or are likely to be affected by the proposals (e.g. business). These are the minimum requirements, but engagement with all members of the local community should be an ongoing process from the beginning, to ensure the plan or Order is prepared with high levels of involvement and has local support at the referendum stage.</li> <li>• In preparing the draft plan or Order, proposals and policies must meet basic conditions which include being in accordance with: <ul style="list-style-type: none"> <li>• International, European and national designations (e.g. heritage and natural environment), and European environmental and human rights laws;</li> <li>• National planning policies, advice and laws, including the National Planning Policy Framework;</li> <li>• Strategic policies and designations of the Council's adopted development plan – plans and orders can propose more, but not less, development than is required for the area by the adopted development plan.</li> </ul> </li> </ul>
<p><b><i>Stage 3: Submission and Independent Examination</i></b></p>	<ul style="list-style-type: none"> <li>• Once the forum has finalised the draft neighbourhood plan or Order it will submit it to the Council. The Council will then carry out its own formal consultation on the plan or Order for a</li> </ul>

	<p>minimum 6 weeks and then send the plan or Order to an independent examiner. The independent examiner will consider whether it meets the right basic standards and they will consider any representations or objections to the proposals.</p> <ul style="list-style-type: none"> <li>• The independent examination may be carried out in writing, with the examiner considering written representations, or, it may be held as a public meeting.</li> <li>• If the examiner considers that the plan or Order does not meet the right standards, they will suggest changes and recommend whether it should proceed to a referendum. The Council will then consider the examiner's views and decide whether to make those changes. If significant changes are recommended, then the neighbourhood forum may wish to re-consult with the local community before proceeding.</li> </ul>
<p><b><i>Stage 4: Community Referendum</i></b></p>	<ul style="list-style-type: none"> <li>• If the plan or Order is recommended for approval by the examiner, the plan or Order will then need to be put to a community referendum. This ensures that the local community has the final say on whether the plan or Order should come into effect.</li> <li>• Anyone who lives in the area that the plan or Order covers, and who are registered to vote in local elections, are entitled to vote in the referendum. In the case of a neighbourhood plan for a 'business area' a separate referendum will also be held for businesses (non-domestic rate payers). Each business will have one vote.</li> </ul>
<p><b><i>Stage 5: Legal adoption of your Neighbourhood Plan or Neighbourhood Development Order</i></b></p>	<ul style="list-style-type: none"> <li>• More than 50% of people voting in the referendum need to vote in favour of support, for the plan or Order to come into legal force. If there is conflict between the results of the resident and business referendums, then the decision on adoption of the neighbourhood plan will rest with the Council.</li> <li>• A neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum. An Order must be made by the local authority before it has effect.</li> <li>• Once the plan or Order has been formally adopted by the Council and brought into legal effect, the Council is legally obliged to take it into consideration when assessing planning applications and other proposals for development in the area.</li> </ul>

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## **What is the process for preparing a Community Right to Build Order?**

- 5.5 The process for preparing a Community Right to Build Order is similar to the process of preparing a Neighbourhood Development Order. The main difference is that these Orders are prepared by a local community organisation, not a designated neighbourhood forum.
- 5.6 To be eligible to develop a Community Right to Build Order in a particular neighbourhood area, the community organisation or group must consist of at least 10 members, all of whom must live in that neighbourhood area, in separate homes to each other. When an order is proposed, at least half of the organisation's members must live in the area. The organisation must also exist to further the economic, environmental and social well-being of the area, and any profits made as a result of Community Right to Build Orders must be used for the good of that community, not for private gain.
- 5.7 Both the neighbourhood area and the local community organisation need to be approved by the Council, to ensure they make sense for planning purposes and do not overlap with any other neighbourhood planning area.
- 5.8 The process for preparing, consulting and submitting a Community Right to Build Order so that it can be independently examined and then subject to a referendum is the same as a Neighbourhood Development Order. The Council will bring it into force if there is a majority vote in favour of the Order.

## **What role does the Council play in Neighbourhood Planning?**

- 5.9 The Council has a statutory duty under the Town and Country Planning Act 1990 (as amended), to assist communities in the preparation of neighbourhood plans and Orders, and to take plans through a process of examination and referendum. It does not prepare neighbourhood plans or Orders.
- 5.10 The Council has six principal roles in the process of neighbourhood planning:
  - To formally designate a neighbourhood area and neighbourhood forum for the purposes of neighbourhood planning.
  - To provide technical advice and support for the preparation of the plan or Order.
  - To validate and check a plan or Order prior to its submission for independent examination.
  - To cover the costs of an independent examination of the plan or Order.
  - To organise and cover the costs of a referendum, to ensure there is public support for the plan or Order.
  - To 'make' the plan or Order if it has been prepared correctly and is supported by the local community.
- 5.11 In addition, subject to the availability of resources, the Council will endeavour to support communities undertaking neighbourhood planning by:
  - Providing general guidance and advice.
  - Attending meetings at key stages.

- 
- Making available on the Council's website relevant studies and other background information.
  - Providing information on the Council's website about planning policy and planning designations.
  - Advising on any national or local funding opportunities.
  - Providing details of relevant contacts, e.g. the Environment Agency, Historic England and National Highways.

5.12 The Council must be realistic as to what it can do to support neighbourhood planning in a cost-effective and time-efficient way. Support and assistance the Council provides will be proportionate to the nature of the plan or Order being prepared, the stage reached in plan making and the impact on the wider community.

## 6 APPENDICES

## **Appendix A - Plan-making consultees**

### ***Specific Consultation Bodies***

- The Coal Authority
- Environment Agency
- Historic England
- Natural England
- The Marine Management Organisation
- Network Rail
- National Highways
- Homes England
- Neighbouring authorities
- Mayor of London
- NHS/Integrated Care Boards
- Police, Fire and Crime Commissioner
- Utility providers

### ***General Consultation Bodies***

Voluntary groups and those who represent the interests of different racial, ethnic and national groups; disabled persons; different religious groups; and persons carrying on businesses in Thurrock

### ***Duty to Cooperate Bodies***

- Neighbouring authorities
- Environment Agency
- Historic England
- Natural England
- Homes England
- The Civil Aviation Authority
- Marine Management Organisation.
- Mayor of London
- NHS/Integrated Care Boards
- Office of Rail Regulation
- Transport for London
- Network Rail
- Local Enterprise Partnership
- Local Nature Partnership

## Appendix B – Material considerations

Material considerations can include, but are not limited to:

- the local plan
- development plan documents
- supplementary planning documents
- the statement of community involvement
- the authority monitoring report
- government planning policy and guidance
- the council's corporate policies
- highway safety and traffic levels
- noise, disturbance and smells resulting from the proposed development
- design, appearance and layout
- conservation of buildings, trees and open land
- flood risk
- the impact on the appearance of the area
- the effect on the level of daylight and privacy of existing property
- the need to safeguard the countryside or protected species of plant or animal
- planning case law and previous decisions
- the need for the development
- the planning history of the site

Issues that are not considered relevant to planning decisions include:

- private property rights, such as covenants
- the developer's identity, morals or motives
- the effect on the value of your property
- loss of a private view
- private neighbour disputes



## Appendix C – Further information and advice on planning

### National Planning Policy Framework

The National Planning Policy Framework sets out government's planning policies for England and how these are expected to be applied.

**Website:** <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

### Planning Practice Guidance

The Planning Practice Guidance (PPG) is a web based resource which contains planning guidance on various topics.

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

### The Planning Portal

The Planning Portal is the Government's online tool for planning and building services. It provides information about the planning system, allows you to submit planning applications and find out about development in your area.

**Website:** <https://www.planningportal.co.uk>

### Thurrock Council: Planning and Growth

The Council's website provides guidance on Planning Applications, the Borough's Development Plan, and Planning Enforcement process

**Website:** <https://www.thurrock.gov.uk/planning-and-growth>

### Locality

Locality is the national membership network for community organisations. The website contains specialist advice, support and resources.

**Website:** [www.locality.org.uk](http://www.locality.org.uk)

### Planning Aid England

Planning Aid England, which is provided by the Royal Town Planning Institute, offers free, independent and professional planning advice to individuals and communities who cannot afford to pay professional fees.

**Website:** [www.rtpi.org.uk/planning-aid](http://www.rtpi.org.uk/planning-aid)

## The Planning Inspectorate

The Planning Inspectorate deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning-related and specialist casework in England and Wales.

**Website:** [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate)

## 7 GLOSSARY

### **Authority Monitoring Report (AMR)**

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**

A levy which allows local authorities to raise funds from new development which can be used to pay for a wide range of infrastructure, including roads, schools, community facilities and open spaces.

### **Community Right to Build Order**

A special type of Neighbourhood Development Order prepared by a community organisation and made by the local planning authority. It grants planning permission for a particular type of development in a particular area.

### **Core Strategy**

A type of development plan document which sets out the long-term vision, spatial strategy and policies for future development of the Borough. The current adopted Core Strategy for Thurrock will be replaced by a new Local Plan once it is adopted.

### **Development Plan**

Document(s) that set out the spatial vision, strategic objectives and policies for development in an area.

### **Development Plan Documents**

All local planning authorities must produce Development Plan Documents, such as the Local Plan. These are spatial documents and are subject to independent examination.

### **Duty to Cooperate**

This was created by the Localism Act 2011. It places a legal duty on the Council to engage on an ongoing basis with neighbouring local planning authorities and other bodies on issues that go beyond Thurrock's boundary.

## **Equality Impact Assessment (EqIA)**

An assessment of the plan is undertaken to ensure that it does not discriminate against disadvantaged or vulnerable people. In Thurrock, this is usually incorporated into the Sustainability Appraisal.

## **General Consultation Bodies**

A list of organisations, groups and individuals as set out in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) who the Council deems appropriate to consult on the preparation of the Local Plan and other planning documents.

## **Habitat Regulation Assessment (HRA)**

An assessment is required if a Plan or the policies it contains is likely to have a significant adverse effect on Special Areas of Conservation or Special Protection Areas. In Thurrock a HRA is usually incorporated into the Sustainability Appraisal.

## **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 (LDS)**

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**

A plan which sets out a vision and objectives for the development of an area. It identifies future needs and opportunities for housing, economic development, community facilities and infrastructure, whilst also protecting the built and natural environment, adapting to climate change and securing good design.

## **Major Planning Applications**

Housing development of 10 or more dwellings, or a site area of 0.5 hectares or more. Other development where the floor space to be built is 1,000 sq m or more, or where the site area is 1 hectare or more.

## **Material Consideration**

The issues that are taken into account when a decision is made on a planning application.

## **Minor Planning Applications**

Housing development of less than 10 dwellings. Other development where the floorspace to be built is less than 1,000 sq m or where the site area is less than 1 hectare.

## **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework sets out government's planning policies for England and how these are expected to be applied.

## **Neighbourhood Development Plan**

A neighbourhood plan is prepared by a designated neighbourhood forum for their neighbourhood area. It sets out the policies for development and use of land for all or part of the neighbourhood area.

## **Neighbourhood Planning**

This was introduced by the Localism Act (2011) and allows local communities to shape new development in their area, through the building of homes, jobs and community facilities.

## **Planning Policy Guidance (PPG)**

The Planning Practice Guidance (PPG) is a web based resource which contains planning guidance on various topics to support the effective implementation of the National Planning Policy Framework.

## **Permitted Development Rights**

Certain minor changes that can be made to a house or building without the need for planning permission.

## **Specific Consultation Bodies**

A list of bodies identified in The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) which the Council must consult during preparation of its Local Plan.

## **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**

A document that sets out the standards for involving the local community in the preparation of Local Plans and decisions on planning applications.

## **Statement of Consultation**

A report or statement issued by the Council explaining how they have complied with the statement of community involvement during consultation on planning documents.

## **Strategic Environmental Assessment (SEA)**

Assesses the environmental effects of a plan. In Thurrock SEAs are usually incorporated into the Sustainability Appraisal.

## **Supplementary Planning Document**

A document that provides additional guidance to support the implementation of policies in the Development Plan.

## **Sustainability Appraisal (SA)**

An appraisal undertaken during the preparation of a plan to assess its possible social, environmental and economic effects and to ensure that the plan contributes to the achievement of sustainable development.