

Statement of Community Involvement

First Review

**Essex Minerals and Waste
Development Framework**

August 2012



Essex County Council

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GLOSSARY, LINKS AND ABBREVIATIONS

Glossary: a useful and up to date glossary of planning terms used in the SCI can be found [here](#) on the National Planning Portal.

Links: text which is [blue and underlined](#) provides an online hyperlink to further information which may be useful. If you are viewing this document in hard copy at one of our inspection points, please ask a member of staff to open the attached CD which will help you to access all these links on line.

Abbreviations: we've tried to avoid abbreviations wherever possible, but some have inevitably crept in. Abbreviations shown in **BOLD** in the text are expanded below.

Table 1

Stands for		Stands for	
AMR	Annual Monitoring Report or Review	M(L)P	Minerals (Local) Plan
APAS	Advanced Planning Application System	MWDDs	Minerals & Waste Development Documents
CD	Compact Disc	MWDF	Minerals & Waste Development Framework
CLOG	(Department of) Communities & Local Government	MWDS	Minerals & Waste Development Scheme
D&R	Development & Regulation (Committee)	PCPA	Planning & Compulsory Purchase Act
DBCCs	(Essex) District, Borough & City Councils	PIP	Public Involvement Programme
DNN	Direct Neighbour Notification	PTCs	Parish & Town Councils
DPD	Development Plan Document	SA	Sustainability Assessment
ECC	Essex County Council	SCI	Statement of Community Involvement
EIA	Environmental Impact Assessment	SEA	Strategic Environmental Assessment
EiP	Examination in Public	SPD	Supplementary Planning Document
EqIA	Equality Impact Assessment	WDD	Waste Development Document
LDD	Local Development Document	W(L)P	(Joint) Waste (Local) Plan
MDD	Minerals Development Document		

1 FOREWORD

By John Jowers, Cabinet Member for Communities and Planning

Essex County Council (ECC) is the local planning authority for minerals and waste planning, both for policy development and for planning applications, as well as determining the County Council's own developments. As the planning authority, **ECC** is required to prepare and maintain up to date minerals and waste local plans which provide the policy basis on which to determine minerals- and waste-related planning applications.



Essex County Council's original Statement of Community Involvement (**SCI**) was adopted in 2009. This set out how we would consult the people and businesses of Essex on our future policies for minerals, waste and County Council development, and in determining planning applications in accordance with these policies.

Since then, progress has been rapid. Consultations on the Minerals and Waste Development Documents (which will become the replacement Minerals Local Plan and Waste Local Plan) have been carried out in accordance with the Adopted SCI, and these consultations are reviewed in the Annual Monitoring Reports each year. The monitoring reports have identified the most successful methods of engagement from those proposed in the SCI, and have shaped subsequent consultations accordingly.

This First Review of the SCI takes on board what we have learnt from the consultation experience on both policy-making and decision-taking since 2009. It also responds to our consultees' requests for a shorter and less technical document.

The First Review has also been triggered by changes in national legislation (see 3.7 below), changes in Essex County Council (**ECC**) corporate policy and procedures (see 3.8 below) and reflects behavioural and cultural changes (see 3.9 below) happening in Essex now.

I believe that this document sets out very clearly how we intend:

- To provide accurate and accessible information about our planning consultations;
- To involve the community effectively in policy-making and decision-taking by engaging them early in the process;
- To enable the people and businesses of Essex to let us know how they feel about proposals in a timely and straightforward way and
- To make the best possible and most effective use of the communication channels open to us.

Please take this opportunity to let us have your views on the proposed changes in the SCI First Review during the consultation period from 30 August to 25 October 2012.

2 SUMMARY

2.1 A summary of the main changes proposed in the SCI First Review:

- **Electronic communication becomes the preferred method for how we engage and involve everyone in consultation, in line with ECC's Corporate Communications Strategy. This affects procedures for both policy-making and decision-taking (See Table 6 and Table 9 below).**
- **The consultation period for policy documents reduces from our previous 8 weeks to the statutory 6 weeks, bringing ECC in line with neighbouring authorities (See 4.14 to 4.15 below).**
- **Developers are now required by the [Localism Act 2011](#) to carry out pre-application public consultation for major developments. Previously, the planning authority could only encourage pre-application consultation (See 5.8 to 5.10 below).**
- **ECC's new Advanced Planning Application System (APAS) has provided the opportunity to handle planning applications in a more speedy and cost-effective way. Once this system is fully operational, hard copies of applications will no longer be available to view in local planning offices and libraries, but the bonus for consultees is that it will provide the ability to view and comment on planning applications on line, with enhanced accessibility options. This was previously not practicable because of the size and complexity of the applications we deal with. This will bring ECC in line with Essex district, borough and city councils, and the APAS system will also facilitate progress-tracking of minerals, waste and County Council applications from submission to determination (See Table 8 below).**

What's in a name?

For many years, **ECC**'s documents for policy development for minerals and waste planning were known as the [Minerals Local Plan](#) and the [Waste Local Plan](#), the latest versions of which were adopted in 1996 and 2001 respectively. These are still the current plans providing the framework for determining planning applications.

The [Planning & Compulsory Purchase Act 2004](#) required us to prepare new policy documents replacing the Minerals & Waste Local Plans. These documents were to be known as the [Minerals Development Document \(MDD\)](#) and the [Waste Development Document \(WDD\)](#), forming part of the [Minerals & Waste Development Framework \(MWDF\)](#) suite of documents (see Table 4 below).

We are currently going through the various stages of plan-making and consultation on this Minerals Development Document and Waste Development Document, which will replace the Minerals & Waste Local Plans when adopted.

However, following the change in national government in 2010, a new set of [Town & Country Planning \(Local Planning\)\(England\) Regulations](#) came into force in 2012, and these revert to the former terminology for development documents as Minerals & Waste Local Plans.

To avoid unnecessary confusion for consultees, we shall now refer to these documents as the Replacement Minerals Local Plan (**MLP**) and the Replacement Waste Local Plan (**WLP**) as they continue to progress towards adoption. After this, they will be known as the Minerals Local Plan and the Waste Local Plan, superseding the current Minerals Local Plan of 1996 and Waste Local Plan of 2001.

3 INTRODUCTION

What is a Statement of Community Involvement and why is it produced?

The SCI is a statutory document which sets out how the County Council will involve the people and businesses of Essex:

- In shaping new planning policies (in the form of Minerals and Waste Local Plans) which will determine how future minerals and waste development is carried out in the county and
- In helping us to make the right decisions on planning applications for minerals, waste and County Council developments

3.1 The [Planning and Compulsory Purchase Act 2004](#) introduced major changes to the planning system including the requirement to produce a **Minerals and Waste Development Framework (MWDF)** and an accompanying **Statement of Community Involvement (SCI)**.

3.2 The SCI is a statutory document which sets out how the County Council will involve the people and businesses of Essex in two ways:

- In shaping the planning policies which will determine how future minerals and waste development is carried out in the county and providing the planning framework to determine planning applications
- In helping us to make the right decisions on planning applications for minerals, waste and the County Council's own developments.

3.3 The processes for consultation described in the SCI are all in conformity with national planning legislation and regulations, but also with broader legislation including:

- [The Data Protection Act 1998](#)
- [The Equality Act 2010](#)
- [The Freedom of Information Act 2000](#)
- [The Human Rights Act 1998](#)
- [The Environmental Information Regulations 2004](#)

3.4 In addition, the processes follow **ECC** policy as set out in the [EssexWorks Corporate Plan](#), in particular:

Giving people a greater say and a greater role in building safer and stronger communities by:

- encouraging Essex residents to influence decisions and shape their communities
- helping communities play a greater role in shaping, challenging and developing local services.

Why review the SCI?

Since the adoption of the SCI in 2009, a number of key changes have made it appropriate to produce a revised version of the document. These include changes in national legislation, changes in ECC corporate policy and general behavioural and cultural changes.

3.5 The **SCI** was adopted by **ECC's** Full Council in October 2009 after considerable consultation with the people and businesses of Essex and submission to the Secretary of State for approval. The document also set out how the SCI would be monitored and reviewed each year through the **Annual Monitoring Report (AMR)**: any activities proposed above the minimum statutory requirements would be kept under regular review, and if identified as unsuccessful at the [Annual Monitoring Review](#) stage, would be refined or replaced at the next consultation stage. This has been done.

3.6 However, since the [adoption of the SCI](#), a number of key changes have now made it appropriate to produce a revised version of the document. These include:

a. Changes in National Legislation and Policy Guidance

3.7 New legislation such as the [Town and Country Planning \(Local Planning\)\(England\) Regulations 2012](#), the [National Planning Policy Framework 2012](#) and the [Localism Act 2011](#) has affected some of the statutory requirements set out in the SCI, or the way in which procedures are carried out.

b. Changes in ECC Corporate Policy

3.8 A shift in the County Council's [Corporate Policy](#) to reflect the straitened economic climate nationally has led to an even greater emphasis being placed on cost-effectiveness and value for money. This is supported by the new ECC Communications and Marketing Strategy 2012-2017 which aims to provide clear, accurate and accessible information while making the best possible and most cost-effective use of current technology. The strategy and accompanying corporate Print Policy advocate the use of electronic communication as the preferred method of communication; this has implications for our consultations both on policy documents and on planning applications.

c. Behavioural and Cultural Changes

3.9 Since the SCI was first drafted in 2005, public willingness to view and respond to documents electronically has increased steadily, as response rates to our consultations show. When ECC commissioned the Ipsos MORI Customer Insight Report in 2009, results indicated that the website was the preferred method of finding information about the County Council, ahead of printed information, local media, telephone or word of mouth.

3.10 This willingness enables us to review our consultation methodology and identify where more cost-effective options may be implemented in future.

3.11 Any changes to processes for either policy consultations or planning applications are subject to [Equality Impact Assessment](#), as is this current document. The Equality Impact Assessment on this SCI First Review will be carried out once consultation responses are received.

The principles behind our community involvement

All the methods of public consultation used in both policy documents and planning applications contribute to the three-fold process of community involvement: providing information, encouraging consultation and promoting participation.

Table 2 How the public engagement process works in a planning context

Providing Information	<ul style="list-style-type: none"> • Explaining how the planning system works for policy-making and decision-taking • Setting out the spatial planning and land use implications of various options • Using straightforward language
Encouraging consultation	<ul style="list-style-type: none"> • Inviting your comments at each stage of policy development • Expanding the range of consultees • Taking your comments on board in the next stage of policy development and in D&R committee reports • Making it easier to participate
Promoting participation	<ul style="list-style-type: none"> • Providing opportunities for active involvement at local level • Making it easier for more people to have their say • Making participation an interesting and enjoyable experience • Demonstrating that participation shapes policy and informs decisions

3.12 We also place great emphasis on front-loading (early involvement) and transparency in our planning processes, as exemplified below:

Table 3 Principles of public involvement

1) Front-loading of planning processes
<p>Involving the public early, for example:</p> <ul style="list-style-type: none"> • In policy formulation, so that public opinion informs policy rather than amends it. • Pre-application involvement in planning applications, so that applicants consult the public before submitting an application.
2) Transparent planning processes
<p>Providing information on our website so that members of the public can follow through the contributions they have made, for example:</p> <ul style="list-style-type: none"> • In policy formulation, setting up online consultation on policy documents so that consultee representations can be viewed by all. • For planning applications, currently publishing summaries of applications, information on decisions, committee agendas and minutes, aftercare, enforcement and appeals information; shortly, full applications can be viewed and tracked from submission to decision. • Publishing the Annual Monitoring Report on our website so that the public can monitor progress against the SCI and against the Minerals & Waste Development Scheme timetable.
3) Choosing appropriate ways to involve people including the seldom heard
<p>In policy formulation, for example;</p> <ul style="list-style-type: none"> • Selecting a variety of techniques to reach and encourage involvement from the maximum number of people including the seldom heard (see 4.11) : electronic/non-electronic, in various locations at various times according to the type and stage of document under consultation. <p>In determining planning applications, for example:</p> <ul style="list-style-type: none"> • Publishing summaries of planning applications now and ultimately full applications on our website so that those interested do not have to travel to view hard copies of documents <p>For both:</p> <ul style="list-style-type: none"> • Using <i>EngageEssex</i> (ECC's online consultation portal) <i>EssexWorks</i> (ECC's online magazine) and <i>Making the Links</i> (ECC's newsletter for all Essex parish and town councils)

to disseminate information to ensure the widest possible circulation when appropriate (subject to any publication timing and space constraints)

- Using specifically-targeted Direct Neighbour Notification, public meetings, drop-in sessions and exhibitions, parish newsletters and noticeboards to focus on more local issues.

4) Providing effective feedback

For example:

- Giving feedback via the published SCI Annual Monitoring Review and *Making the Links* newsletter to parishes on successful implementation of actions in response to public opinion, such as the review of public speaking protocols at [Development & Regulation Committee](#) suggested by a parish council
- Monitoring the range and types of respondees to ensure that the consultation is reaching a cross-section of the community
- Seeking continuous feedback on consultation methods at each stage of plan preparation and publishing results

How you can get involved in planning decisions on policy-making and decision-taking

If it's important to you how Essex develops in the future, you can contribute to decisions shaping that development. Everyone in Essex uses minerals and discards waste. Everyone in Essex is therefore a stakeholder in these industries, and will be affected by the planning policy decisions taken in these areas, or by proposals for minerals and waste sites.

These are some ways in which you can get involved:

- Read this Statement of Community Involvement and other policy documents as they are published. Send us your comments:
 - On line during the consultation period via the appropriate link. For the SCI, this is <http://consult.essexcc.gov.uk>
 - By email to mineralsandwastepolicy@essex.gov.uk
 - By post to Minerals & Waste Planning, ECC, E3, FREEPOST CL3636, County Hall, Chelmsford, CM1 1XZ
- Check our website at www.essex.gov.uk/Planning for details of new proposals and let us have your views
- Read site notices and newspaper announcements to find out more about local proposals
- Visit your local library, Essex **DBCC** offices or County Hall to look at plans for local proposals; ask us any questions about these via the relevant planning case officer or our Helpline at 01245 435 555. Standard office hours are currently 9am to 5pm Monday-Thursday and 9am to 4.30pm on Friday
- Contact us via email at mineralsandwastepolicy@essex.gov.uk (policy queries) or mineralsandwasteDM@essex.gov.uk (planning application queries) .
- If you get a Direct Neighbour Notification letter about proposals close to your property, let us know what you feel about them (see Table 6.2 and Table 9.7 below)
- Read your parish newsletter/noticeboard for information about proposals in your area
- Attend public meetings, drop-in sessions and exhibitions for your area, and ask questions about what is involved
- **If you're short of time:** Remember you can access our website or email us 24 hours a day, 7 days a week. See www.essex.gov.uk/Planning and email mineralsandwastepolicy@essex.gov.uk (queries on policy) or mineralsandwasteDM@essex.gov.uk (queries on planning applications).
- **If you don't have a computer:** Remember you can use IT facilities for free (including accessible formats) in all local libraries, including some evenings and weekends (see [here](#) for more information) If you need help to view or understand documents or plans, remember that assistance is available in local libraries and that we can make information available in alternative formats or languages (see back cover)

These are just a few ways to get involved. Please look at Table 6 for even more ideas. Ways to input to the planning application process are covered in more detail in Table 7. It's your county and your future – make a positive contribution today!

4 CONSULTATION ON MINERALS AND WASTE LOCAL PLANS

Documents in the Minerals and Waste Development Framework

The 3 main steps in the local plan consultation procedure process are publication of the proposals for consultation; submission of the document to the Secretary of State and adoption following approval by the Planning Inspectorate.

Documents in the Minerals & Waste Development Framework (**MWDF**) include the replacement Minerals Local Plan (**MLP**) and the Joint Waste Local Plan (**WLP**) produced in conjunction with Southend on Sea unitary authority, setting out our strategies and policies for minerals and waste planning until at least 2028/2031 respectively. Also included are the Minerals and Waste Development Scheme (**MWDS**, the timetable for producing these) plus the Annual Monitoring Report and this Statement of Community Involvement. Any Supplementary Planning Documents (**SPDs**) would also form part of the **MWDF**, but none relating to minerals and waste are proposed for the plan area at this time.

4.1 Under the terms of the [2012 Regulations](#), the main steps in the local plan procedure process are defined in 4.2 to 4.4 below:

4.2 Publication of the proposals for a local plan, consultation on it and consideration of representations (regulations 18 to 20). Before publication takes place, ECC has been through the preliminary stages of Evidence Gathering, the presentation of Issues & Options, setting out the Preferred Approach including preferred sites and then Publication, with public consultation at each stage informing the subsequent stage of preparation of the documents (see also Tables 4 and 5 below).

4.3 Submission: the plan is formally submitted for approval to the Secretary of State with a summary of the main issues arising from the consultation and how these have been taken into account in the Submission document; this stage includes, if required, an independent Examination of the local plan by the Planning Inspectorate and publication of the recommendations of the Planning Inspector (regulations 22 to 25) (see Table 5 below)

4.4 Adoption of the local plan by the local planning authority (regulation 26) is carried out in accordance with the recommendations of the independent Planning Inspector, although this report is no longer legally-binding (see [Localism Act 2011](#), paragraph 112).

4.5 The table below sets out which documents form part of the Minerals & Waste Development Framework and what they cover, together with the various stages each passes through before final adoption. For full details of what each of these formal stages towards adoption involves, please see our [website](#).

Table 4 Documents in the Minerals and Waste Development Framework

N°/ Acronym	Document	Description	Stages to Adoption
1 (MWDS)	Minerals & Waste Development Scheme	<p>The timetable for producing all the parts of the MWDF</p> <p>Not required to be formally adopted</p>	Progress reported monthly and reviewed at the Minerals & Waste Project Board, also annually via the AMR (see 5 below). Updated regularly to reflect feasibility in relation to resources available, additional stages identified etc
2 (MDD) (MLP)	<p>Minerals Development Documents, called the replacement Minerals Local Plan since April 2012, which will, when adopted, replace the current Minerals Local Plan (approved 1996).</p> <p>(see <i>What's in a name?</i> in Section 2 above)</p>	<p>Strategy/policies for minerals planning in Essex until at least 2028, plus allocations of sites for development and a proposals map. Comprises:</p> <ul style="list-style-type: none"> • Minerals Core Strategy, setting out the long-term direction for minerals development and the plan to deliver the strategy • Development Management Policies for Minerals • Strategic Site allocations and safeguarding for mineral extraction, transshipment facilities and other related activities • Policies (previously Proposals) Maps 	<ul style="list-style-type: none"> • Evidence gathering, followed by public consultation on various Issues & Options including site options, then the Preferred Approach setting out ECC's preferences including sites; each stage document includes public consultation, and consultation responses inform the next stage of preparation • Publication and Pre-Submission public consultation on soundness of the document • Submission to Planning Inspectorate • Examination by Planning Inspector and publication of Inspector's Report • Review and Adoption of the document • Annual monitoring review thereafter
3 (WDD) (WLP)	Joint Waste Development Documents (in conjunction with	Strategy/policies for waste planning in Essex and Southend until at least 2031, plus allocations of	<ul style="list-style-type: none"> • Evidence gathering, followed by public consultation on various Issues & Options including site options,

Nº/ Acronym	Document	Description	Stages to Adoption
	<p>Southend on Sea unitary authority), called the replacement Joint Waste Local Plan since April 2012, which will, when adopted, replace the current Essex & Southend Waste Local Plan (approved 2001),</p> <p>(see <i>What's in a name?</i> in Section 2 above)</p>	<p>sites for development and a proposals map. Comprises:</p> <ul style="list-style-type: none"> • Waste Core Strategy • Development Management Policies for Waste • Strategic Site allocations for waste-related development • Non-Strategic Site Allocations for other preferred sites for waste processing plus any associated safeguarding • Policies (previously Proposals) Maps 	<p>then the Preferred Approach setting out ECC's preferences including sites; each stage document includes public consultation, and consultation responses inform the next stage of preparation</p> <ul style="list-style-type: none"> • Publication and Pre-Submission public consultation on soundness of the document • Submission to Planning Inspectorate • Examination by Planning Inspector and publication of Inspector's Report • Review and Adoption of the document • Annual monitoring review thereafter
4 (SCI)	<p>Statement of Community Involvement – this present document, setting out community engagement in the planning process</p>	<p>Document explaining how the people and businesses of Essex can be involved both in the preparation of the MWDF and in contributing to determining planning applications</p> <p>(The amended Planning Act 2008, removes the requirements for the SCI to be specified in the MWDS and for an independent examination of the SCI)</p>	<ul style="list-style-type: none"> • Preliminary scoping and initial public consultation • Production of Draft SCI and public consultation • Pre-submission public consultation and submission to Secretary of State • Adoption following incorporation of minor changes by Planning Inspector • Annual monitoring review • First Review of SCI including public consultation on changes • Adoption by ECC Full Council incorporating changes arising from public consultation

Nº/ Acronym	Document	Description	Stages to Adoption
5 (AMR)	Annual Monitoring Report produced annually within 9 months of the end of the financial year	Self-assessment of progress against the MWDS timetable, the adequacy of MWDF policies and the effectiveness of public consultation as set out in the SCI	Produced annually; latest version can be viewed here together with a detailed AMR on the SCI.
6 (SPDs)	Supplementary Planning Documents – supplementary guidance to support or expand new policies in the MWDF. None are proposed at this time.	These are not compulsory, but, if produced, would need to support and be consistent with new planning policy (both local and national) and with the SCI. Not subject to public examination.	If and when produced, would be in accordance with Town and Country Planning (Local Planning)(England) Regulation 2012 , and with the Planning & Compulsory Purchase Act 2004 as amended by the Localism Act 2011 .

Consultation at each stage of the process

The summary of engagement techniques for each key stage of the production process is set out as Table 5 below, and recognizes that different methods are suitable at different stages of the process. This table should be read in conjunction with Table 6 (updating Table 9 of the Adopted SCI) which takes on board all of the above considerations, together with modifications which have emerged through the [Annual Monitoring Reports](#) each year.

4.6 The [2004 Regulations](#) (specifically Regulations 25 to 30) set out the statutory minimum requirements for consultation at each of the different stages of production for the Minerals & Waste Development Framework. The [2012 Regulations](#) (specifically Regulations 18-19 and 35-36) are less prescriptive.

4.7 We continue to follow the techniques listed in the Adopted SCI (see Table 5), but are mindful of the [EssexWorks Corporate Strategy](#) and its emphasis on using resources even more effectively in an era of national budgetary constraint, and of the EssexWorks Communications & Marketing Strategy's declared objective of continuing "the shift to providing information on-line and reducing ECC print spend while increasing overall ...effectiveness".

4.8 We shall therefore carry out meaningful engagement identified as effective through the [Annual Monitoring Review process](#), selecting from the range of engagement techniques listed in Table 5 below, and subject always to the availability of resources. Details of each technique are expanded in Table 6 below.

Table 5 Revised summary of engagement techniques for each phase of production for the Minerals & Waste Development Documents - Statutory requirements are shown in regular font;

Method N°	Technique – see details in Table 6
Pre-Publication Stage (see 4.2 above)	
(Issues and Options and Preferred Approach steps)	
1	Inspection copies at specified locations (see Table 6.1)
2	Direct communication with Specific and General Consultees including appropriate residents/businesses (see Table 6.2)
3	Publish documents/consultation response forms on website (see Table 6.3)
4	Response forms available in hard copy and electronically (see Table 6.4)
5	<i>Publication of newsletters, leaflets, flyers as appropriate</i> <i>Information pack (where required) (see Table 6.5)</i>
6	<i>Press release + public notice (see Table 6.6)</i>
7	<i>Area Forums/workshops (where required) (see Table 6.7)</i>
8	<i>Parish/ward meetings (where required) (see Table 6.8)</i>
9	<i>Feedback form to assess effectiveness of engagement activity (see Table 6.9)</i>
Publication Stage (see 4.3 above) (Regs 19-20 of 2012 Regulations)	
1	Inspection copies at specified locations (see Table 6.1)
2	Direct communication with Specific and General Consultees including appropriate residents/businesses and including appropriate residents/businesses, and including copies of/links to each of the published proposed submission documents and a statement of the representation procedure on the tests of soundness of the documents (see Table 6.2)
3	Publish on the ECC website (see Table 6.3)
4	<i>Response forms (see Table 6.4)</i>
5	<i>Publication of Newsletters and/or Flyers when required (see Table 6.5)</i>
6	<i>Public notices on at least one occasion, stating representation procedures and locations and times where and when submission documents are available for inspection (no longer a statutory requirement in the 2012 Regulations)</i> <i>Press Release (see Table 6.6)</i>

Method N°	Technique – see details in Table 6
7-8	<i>Not required</i>
9	<i>Feedback form to assess effectiveness of engagement activity</i>
Formal Submission Stage (see 4.3 above) (Reg 22)	
1	Inspection copies of submission documents described in 22.1 of the 2012 Regulations plus the public notice at specified locations (see Table 6.1 and 6.6)
2	Direct Communication with those Specific and General consultees (see Appendix) and appropriate residents/businesses invited to make representations at previous stages, advising where and when the inspection Submission documents might be viewed. Also confirmation that the documents have been submitted to those who have requested notification of submission. (see Table 6.2)
3	Publish on ECC website (see Table 6.3)
4	<i>Public notice in press (see Table 6.4)</i>
5,6,7,8,9	<i>Not required</i>
EiP (Hearing) & Post-Submission Stage (see 4.3 above) (Regs 24-26)	
Examination in Public (EiP) / Hearing: (Reg 24)	
At least six weeks before the hearing:	
1	Copy of the public notice in compliance with Reg 24) at specified locations (see Table 6.2)
2	Notify any person who has made a representation (Reg 20) and has not withdrawn that representation of the date, time and place of the hearing plus the name of the Planning Inspector appointed (see Table 6.2)
3	Publish the public notice on ECC website (see Table 6.3)
6	<i>Public notice in press (see Table 6.6)</i>
Publication of Inspector's recommendations: (Reg 25)	
As soon as reasonably practicable after receipt of the Inspector's report:	
1	Inspection copy of report and recommendations or a direction from the Secretary of State (Reg 29) available to view at specified locations (see Table 6.1)
2	Give notice to those registered to receive notification (see Table 6.2)
3	Publish recommendations/reasons on ECC website (see Table 6.3)
6	<i>Press release (see Table 6.6)</i>
Adoption of the Local Plan Document (see 4.4 above): (Reg 26)	

Method N°	Technique – see details in Table 6
As soon as reasonably practicable after adoption:	
1	Inspection copies of Adopted Plan, accompanying documents and adoption statement available to view at County and District offices and in Essex Public Libraries (see Table 6.1)
2	Send adoption statement to those registered to receive notification (see Table 6.2) Send Local Plan Document + adoption statement to Secretary of State
3	Publish Adopted Plan, accompanying documents and adoption statement on ECC website (see Table 6.3)
6	<i>Public notice</i> <i>Press release</i>
In any other circumstances, Regs 27 to 31 of the 2012 Regulations shall apply	

How will we consult?

The table below sets out in detail the techniques for consultation we propose to use, taking on board changes arising through new legislation and those identified via the Annual Monitoring Review process. Main changes include the shift towards online documents with a limited number of hard copies available in specified locations.

Table 6 How will we consult? The table below is a simplified version of Table 9 in the Adopted SCI, taking on board changes arising through new legislation and those identified via the Annual Monitoring Review process.

Method N°	Technique
1	Inspection copies at specified locations <ul style="list-style-type: none"> The 2012 Regulations require us to make documents available for inspection at our principal office and at such other places within the county as we consider appropriate, during normal office hours (for hours, see box on p11) There is no requirement for the inspection copies be in hard copy format. We are aware of the need to balance the policies in the EssexWorks Corporate Plan and Communications Strategy (see 4.7 above) with Equalities Legislation (see 3.11 above) and our desire to reach the seldom heard categories of consultee (see 4.11 below) within the county. We therefore propose that the norm for future consultations will be:

Method Nº	Technique
	<ul style="list-style-type: none"> • To place hard copies of the main (but not accompanying) documents for inspection during the set consultation periods at the following locations – County Hall, Chelmsford; Civic Centre, Southend-on-Sea (WDDs only); Essex DBCC planning offices; respective local public libraries (but not mobile libraries due to lack of space). • Because of their length and cost, accompanying documents (such as Sustainability Appraisals, Strategic Environmental Assessments, Strategic Flood Risk Assessments, Habitats Regulation Assessments, Equality Impact Assessments and other documents in the evidence base, the public notice and appendices and the Submission suite of accompanying documents as set out in the 2012 Regulations, section 22), would normally be in electronic format, most usually as CDs. However, these accompanying documents can be viewed most easily online. For those without access to a computer this facility is also offered by all Essex libraries (excluding mobiles) which provide magnification and narrator options. In addition, library staff are able to support you in locating the documents on the website and libraries are also open outside normal office hours, including some evenings and weekends (see here for details). • The period for which the documents will be available for inspection will be as advertised in the public notice, and will now normally be 6 weeks, in conformity with the 2012 Regulations (see also 4.14 to 4.15 below). • Once a policy document is adopted, it will remain available for inspection as above for 6 weeks after its adoption. However, we are required to display a revised SCI or supplementary planning document (if produced) for 3 months following the date of its adoption, after which inspection copies would be available at County Hall, Chelmsford only, and on the ECC website.
2	<p>Direct consultation with Specific and General Consultees (inc Preferred Approach stage) including appropriate residents and businesses</p> <ul style="list-style-type: none"> • The 2012 Regulations (18.2) require us to consult with those specific consultation bodies as we consider may have an interest in the documents (see Appendix); those general consultation bodies as we consider appropriate (see Appendix); also residents and other persons carrying on business in Essex from whom we consider it appropriate to invite representations. • We shall therefore continue to consult all appropriate specific and general consultees on our consultation database, plus those residents and businesses who have responded to previous consultations on the respective consultation documents, plus those who are situated within 250m of a proposed minerals or waste development, (Direct Neighbour Notification) or who have specifically asked to be involved. • Under the 2012 Regulations, there is no requirement to provide any of these categories of consultee with hard copies of the documents.

Method N°	Technique
	<ul style="list-style-type: none"> • However, under Regulation 36, we must provide a copy of any document as soon as reasonably practicable after it has been requested by anyone. The format in which the document should be provided is not specified, and Regulation 36(3) allows us to make a reasonable charge for a copy of any document provided. • We therefore propose that the norm for future consultations be: <ul style="list-style-type: none"> • To send the initial notification of a consultation by post/email to all types of consultee, as set out originally in the Adopted SCI, Table 9, Method 2. • To include in this initial notification a statement of the representations procedure with details of where documents may be viewed and when; the dates and length of the consultation period; the subject of the consultation and details of how to respond to the consultation (ie the public notice). • To include with this initial notification either a link to the consultation documents on the ECC website or a CD containing all the consultation documents and relevant supporting information, or both, as appropriate. • If anyone not on the database of consultees requested a copy of the documents, these would normally be provided free of charge in CD format. If hard copies were requested, these would be printed on demand, and upon receipt of the cost of printing, packaging and postage, which would be advised beforehand.
3	<p>Publish documents/consultation response forms on website</p> <ul style="list-style-type: none"> • As for the Adopted SCI, current regulations require us to publish the documents under consultation on the ECC website, and this will include all supporting documents. • Consultees are encouraged to respond to all consultations online via our consultation portal as the cheapest, quickest and most effective method of responding and ensuring that comments made can be viewed by respondees and others with the minimum of delay. Other methods of responding are also available (see 4 below). • Your responses will be taken into account in shaping the next stage of each document, and contribute to the evidence base for each document. See also <i>What happens to your comments?</i>, p25 below.

Method Nº	Technique
4	<p>Response forms available in hard copy and electronically</p> <ul style="list-style-type: none"> • Under the 2012 Regulations (3.2), respondents are invited to respond to consultations either electronically (directly via the online portal mentioned in 3 above, by email or by fax) or in writing. • Online response forms are automatically available via the online portal, but a Word version can be downloaded from our website, or a hard copy version requested via our Helpline (01245 435 555). Letters, emails and petitions not using the response form format are also accepted, but will take longer to upload onto the consultation portal. • Those contemplating sending a petition or e-petition rather than an individual response should check the ECC website for the current corporate Petitions Policy. • In accordance with the Freedom of Information Act and the Data Protection Act and the Environmental Information Regulations, original written or electronic representations could be made available to the public on request, but all responses published on our consultation portal will include only the respondent's name and reference number, with other personal information such as addresses, email addresses, phone numbers and signatures deleted. • The 2012 Regulations (3.3) set out that when an electronic communication is received outside our normal office hours (ie until 1700 Monday to Thursday and until 1630 on Fridays) it is to be taken to have been received on the next working day, which excludes Saturdays, Sundays, bank holidays, other public holidays or ECC holidays.
5	<p>Publication of newsletters, leaflets, flyers as appropriate/ Information pack (where required)</p> <ul style="list-style-type: none"> • Publication of newsletters, leaflets, flyers and information packs is not a statutory requirement under either previous or current Regulations. However, we are committed to front-loading our consultation processes (see Table 3 above) and so we shall use these methods whenever we believe that this will be an appropriate and cost-effective method of communication. • We shall continue to use <i>Making the Links</i>, ECC's electronic newsletter to parish and town councils, on a regular basis, as this has proved an extremely effective method of keeping PTCs up to date on progress with the policy documents and with planning applications and enforcement activity. PTCs are also encouraged to use any locally-relevant information we provide in their own local community newsletters. It is also possible for individuals to receive the newsletter electronically by phoning the Parish Information & Co-ordination Officer on 01245 437308. • ECC's magazine to all households in Essex, <i>EssexWorks</i>, is no longer published in hard copy as a result of budgetary constraints, but can be viewed online via the ECC website, and we shall publish details of consultations and planning applications in this whenever possible, when our news coincides with the quarterly publication dates. • Leaflets, postcards and flyers will be used as appropriate, and when cost-effective. In particular, these will be used to direct local residents towards

Method N°	Technique
	their nearest drop-in sessions where applicable, on noticeboards and in libraries to raise awareness of forthcoming consultations and to provide a web link for further information.
6	<p>Press release + public notice</p> <ul style="list-style-type: none"> Under the 2012 regulations, it is no longer a requirement to publish a formal public notice of a forthcoming consultation in the press. The cost of publishing these public notices in the local press is one of the highest costs attached to public consultations and to the consideration of planning applications, and its effectiveness in awareness-raising has been questioned nationally. However, it is a sure method of ensuring that information is published consistently throughout the county in a familiar format and location. We therefore propose to continue to publish local newspaper notices advertising our public consultations, whilst avoiding duplicate coverage if at all possible. This method will be kept under review, and if a satisfactory alternative technique evolves during the plan period, this would be considered, but only implemented with previous wide publicity to this effect. Press releases will continue to be sent to local press as set out in the Adopted SCI to raise awareness of consultations, and the Corporate Communications team will work closely with the local media to monitor the accuracy of any related articles which might appear.
7	<p>Area Forums/Stakeholder Groups & Workshops (where required)</p> <ul style="list-style-type: none"> Area forums no longer exist as a result of corporate restructuring following budget cutbacks. Workshops have been used very effectively during the Issues & Options stages of consultation on the Minerals & Waste Development Framework, but are not a requirement for the Submission stage of a document. We have always been careful to hold workshops at a variety of locations and times, and this will continue, usually at earlier stages in the consultation process where workshops are identified as most appropriate. Feedback from these confirms that they are a valuable opportunity for a wide range of people with different viewpoints to get actively engaged, to debate in a non-controversial environment and to consider issues in greater depths. Some workshops are awareness-raising sessions for groups with a particular interest in the development and outcomes of the Minerals & Waste Development Framework. These are called stakeholder groups, and cover for example parish and town councillors, minerals and waste developers and officers from Essex local DBCCs, and these would continue as appropriate. Other workshops might include a cross-section of representatives from each of the above groups, plus local resident and business representatives, looking at specific issues in greater detail. Essex Citizens' Panellists (volunteers from the local community with an interest in environmental issues) may also be used from time to time at these workshops to add value from an independent perspective.

Method N°	Technique
8	<p><i>Parish/ward meetings (where required)</i></p> <ul style="list-style-type: none"> Parish and ward meetings are not a statutory part of the consultation, but have been used in 2 main ways as an effective engagement technique at the Issues & Options stage of consultation on the Minerals & Waste Development Framework. The first method has been the introduction of drop-in sessions when appropriate, often in areas close to proposed sites, where information displays have been set up to show local proposals in greater depths, and where ECC planning staff are available for several hours in each location to discuss both county-wide strategic issues and local residents' concerns on a one to one basis. These have proved to be particularly successful in getting local people (including the seldom heard, see 4.11 below) involved in the consultation. Parish/ward meetings are also held at the request of the local community, and it is up to the PTC to ensure that these are well-publicized and attended. This format is less preferred than that of the drop-in sessions described above, as numbers can become unwieldy and it is less easy to address individual concerns, particularly for those in the seldom heard category (see 4.11 below). Both forms of meeting will continue to be available at appropriate stages of the consultation process.
9	<p><i>Feedback form to assess effectiveness of engagement activity</i></p> <ul style="list-style-type: none"> Feedback forms are a non-statutory part of the consultation process, but are a useful tool for the Annual Monitoring Report to evaluate the success of techniques used in the consultation. Feedback is sought as a matter of course as part of the online consultation response form, and has also been used to monitor the success of workshops and improve their effectiveness. We propose to continue monitoring the success of our consultation activity via feedback forms, and to demonstrate how this is taken on board via the Annual Monitoring Report.

Whom will we consult?

The [2012 Regulations](#) (Reg 18) require us to consult appropriate specific and general consultation bodies, and an updated list of these is included as Appendix 1. Reg 18(2)(c) also sets out that we should involve “*such residents or other persons carrying on business in the local planning authority’s area from which (we) consider it appropriate to invite representations*”.

4.9 Over time, the Minerals and Waste Planning team has built up an extensive database of organisations and individuals wishing to be involved in our consultations on minerals and waste policy documents. In addition to the specific and general consultees referred to above, consultees also include:

- Individuals with an interest in planning matters or who will be affected by the decision-making process for the Minerals & Waste Development Framework, some of whom may be:
- Residents who live within 250m of a proposed minerals or waste development, who will be contacted by Direct Neighbour Notification (see Table 6.2) or
- Those who have previously responded to respective minerals or waste policy consultations or who have asked to be involved as a result of drop-in sessions or workshops

4.10 Individuals or organizations wishing to be consulted can request to be added to the database at any time, or can ask to be removed from the database of consultees.

Reaching the seldom heard

The seldom heard are those people least likely to make their views known through public consultation and who often miss out on information because they do not belong to a recognised organisation or group. Direct Neighbour Notification and drop-in sessions are recognized as being our most successful method of reaching the seldom heard, together with the involvement of existing local parish networks.

4.11 Those who fall into the seldom heard category are:

- People of working age who, due to work and family commitments, have very limited periods of free time in which to involve themselves in wider issues (the time-limited)
- People of school age who are too young to belong to recognised consultation organisations
- People of limited mobility, through either age or disability
- People whose first language is not English
- People with sight or hearing impairment
- People without a permanent address including gypsies and travellers, and those who through circumstance or life-style choice have no fixed contact address.

4.12 Recognising that people are most likely to get involved in the consultation process when they feel a proposed site will affect their quality of life, our most successful method in reaching the seldom heard has been Direct Neighbour Notification, supported by local drop-in sessions (see Table 6.2 and 6.8) where individuals can call in to discuss any issues on a one to one basis with planning officers.

4.13 We also recognise that parish and town councils (**PTCs**) are key contributors in increasing awareness at local level, particularly as they have existing communication networks within their areas. **PTCs** are specific (statutory) consultees, but we also use *Making the Links*, the County Council's newsletter for parish and town councils, to ensure all Essex parishes are up to date

with what progress is being made both on policy documents and with planning applications (see Table 6.5 above). Individuals can also register to receive the newsletter electronically by contacting the Parish Information & Co-ordination Officer on 01245 437308.

What happens to your consultation comments on the Minerals & Waste Development Documents? (*Consultation comments in a planning applications context are covered in detail in Section 5*)

Your comments are acknowledged on receipt. Those input directly on line by the consultee can be viewed immediately via the consultation portal at <http://consult.essexcc.gov.uk>. Those sent by letter or email are viewable once uploaded onto the consultation portal; this may take a little time, depending on the volume of responses. Comments are then carefully reviewed, and a summary is drawn up, grouping similar comments together. These comments form an essential part of the evidence base and are used to inform future stages of plan preparation.

Consultation comments on the Minerals & Waste Local Plans are identified by name and number only, online and in the summaries, where comments are grouped by issue. The original written or electronic representation could be made available to the public on request under the terms of the [Local Government \(Access to Information\) Act 1985](#) and of the [Planning & Compulsory Purchase Act 2004](#). All information would be handled in accordance with the requirements of the [Data Protection Act 1998](#).

Most comments received refer to the actual documents upon which we are consulting, or to the policies contained therein. Others contain references relating to particular local issues, and some are general comments on the way **ECC** conducts its business. Some comments (eg errors in typography etc) can be quickly taken on board and are not directly acknowledged; comments on issues, topics, policies and procedures are considered in context when the next stage of documentation is prepared, and many are instrumental in amending or revising the direction of the approach. We shall give reasons if we do not act on specific issues.

Other comments are incorporated into our subsequent plans for improving our services and the engagement experience. [The Annual Monitoring Report](#) reviews progress against the documents and timescales set out in the Minerals & Waste Development Scheme, and our Pre-Submission Statement of Compliance for each part of the Minerals & Waste Development Framework will set out exactly how we have acted on the results of community involvement.

How long will consultations last?

ECC proposes to consult in future for the statutory 6 weeks in line with Essex district, borough and city councils and with neighbouring county councils.

4.14 The [2012 Regulations](#) (Reg 17) confirm that the period for consultations must be not less than 6 weeks from the day on which a statement of the representations procedure is published. This is in agreement with the timeframe set out in the [2004 Regulations](#). In the [Adopted SCI](#), **ECC** extended that consultation period to 8 weeks and this has been applied to all consultations on the Minerals & Waste Development Framework, including consultation on this First Review of the SCI.

4.15 However, an 8 week consultation period is out of conformity with the statutory consultation period (6 weeks) used by the majority of neighbouring county councils, unitary authorities and Essex District, Borough & City Councils (DBCCs), and with Regulation 35 of the [2012 Regulations](#). We therefore propose to reduce the standard consultation period to 6 weeks from the adoption date of this review document, as there is no inherent difference in our documents which would justify an additional 2 weeks.

4.16 If the consultation period unavoidably runs over the Christmas Holiday Period or in conjunction with another major consultation, consideration would be given to extending this period.

5 CONSULTATION ON PLANNING APPLICATIONS

Public involvement with planning applications- what you can do

The public already has the right to comment on planning applications, and the [Planning and Compulsory Purchase Act 2004](#) reinforced this right by requiring local authorities to set out in their Statements of Community Involvement how the public would be involved at each stage of the planning application process, and to monitor this by the Annual Monitoring Review process.

Recent legislation (specifically the [Localism Act 2011](#)) has further strengthened the opportunities for public involvement in the planning application process by requiring developers to carry out pre-application public consultation before submitting an application.

5.1 The public has had the right to comment on planning applications for some considerable time, and the [Planning and Compulsory Purchase Act 2004](#) reinforced this right by requiring local authorities to set out in their Statements of Community Involvement how the public would be involved at each stage of the planning application process, and to monitor conformity with this by the [Annual Monitoring Review](#) process. Implementing measures set out in the Adopted SCI led to a major increase in the number of respondents to planning applications once Direct Neighbour Notification (see Table 9.7 below) was introduced; in addition, the number of pre-application discussions (see 5.5 below) has increased by an average of 34.4% since the start of monitoring, and developers voluntarily carrying out Public Involvement Programmes (see 5.10 below) has increased by an average of 4.6% (2010/2011 figures for **ECC**).

Recent legislation (specifically the [Localism Act 2011](#)) has further strengthened the opportunities for public involvement in the planning application process by requiring developers to carry out pre-application public consultation before submitting a major application (see 5.10 below).

In addition, **ECC** has implemented a new system for handling planning applications in a more speedy and cost-effective way. This will bring about some changes in the way in which consultation with the public is handled. All applications will be viewable in full on line on the **ECC** website, but also at local council offices and libraries throughout the County, where a range of accessibility options are available to improve the way in which applications can be examined. Following public consultation on this **SCI** First Review document, an [Equality Impact Assessment](#) is to be carried out to ensure that these amendments are in accordance with [Equality legislation](#).

5.2 A brief outline of how the people and businesses of Essex can be involved in the various stages of the planning application process is set out in Table 7 below and in the following sections; further information can also be found by following the appropriate links in the text to the ECC website.

Table 7 What you can do to influence the planning application process

Involvement Action	Stage of Development
Keeping Informed	
Monitor information sources about planning applications such as site notices, press advertisements, the Planning website and parish noticeboards and newsletters	Pre-application and application
Take opportunities to find out more – attend any exhibitions or meetings offered as part of the applicant's public involvement programme, or any other local meetings, read summaries of applications (and shortly full applications) and officers' reports on the ECC website and at Essex district, city and borough council offices and local libraries	Pre-application and application
Support Site Liaison Groups, where site representatives, members of the local community and planning officers meet regularly to discuss issues	Ongoing
Track the application's progress on the ECC website to know when consultation closes and when the application will be heard at Committee	Application
Check the decision notice issued after the Committee has met to know what the decision is, and what conditions may have been applied	Determination and post-decision
If you live near a site, be aware whether any conditions imposed (such as operating times) are being complied with (see Table 12.1 below)	Determination and post-decision
Making Your Views Known	
Respond directly to consultations such as questionnaires, consultation letters to parishes/districts, Direct Neighbour Notification letters (see Table 8 below)	Pre-application and application
Respond to publicity (site and press notices, the website, parish notice boards and newsletters etc) by sending your views in writing (letter, email or on line) to the contact address provided	Pre-application and application
Where these exist, pass your views to Site Liaison Groups (see above)	Ongoing
Feed your views in to Parish or District Councils to help them formulate their responses, or to your local County Councillor	Application
Make sure that if you raise objections, these are for valid planning reasons (see 5.19 below)	Application
If you think that conditions imposed with a decision are being ignored, let the planning authority know, so that we can check this out as part of our ongoing programme of site monitoring (see Table 12.5 and 12.6 below)	Post-decision
Attending Development & Regulation (D&R) Committee	
As an Observer or as a Speaker. See 5.26 to 5.28 below	Determination

Planning Applications dealt with by Essex County Council

5.3 Essex County Council is responsible for determining planning applications for:

- **The winning and working of minerals and related developments**

Minerals are the naturally occurring materials which make up the Earth. They are extracted by quarrying companies for use in a wide variety of industries, most notably in construction and road building. The geology of Essex dictates both the type of mineral which can be extracted and the location of quarry sites. The infrastructure of the County, the distribution of population and the sensitivity of the natural environment determine where minerals can be extracted and processed.

- **The management and treatment of waste**

Many kinds of waste are produced and disposed of in Essex, from household waste to hazardous waste. All of these types of waste require particular facilities to enable them to be re-used, recycled or disposed of in a safe and environmentally-acceptable manner.

- **The County Council's own developments such as schools, libraries and new roads (known as Reg 3 applications)**

ECC is responsible for providing a wide range of public services such as transportation and education, and these services generate new development such as roads or school extensions, which may require planning permission. Any necessary planning applications would usually be dealt with by the County planning authority and determined in accordance with current local planning policies (see Table 10 below).

- **Essex County Council does not handle planning applications for new houses and home extensions, or for new or extended business premises.**

These are dealt with by the appropriate borough, city, district or unitary authority.

How we will consult at each stage of the planning application process

5.4 ECC exceeds the statutory requirements for consultation set out in the [Town & Country Planning \(Development Management Procedures\) \(England\) Order 2010](#).

Table 8 Planning Applications – a quick reference guide to the most appropriate engagement techniques for each stage of the application process

Stage & Technique
All Stages
General information on the planning application process available at all stages on the ECC website, specific information from the application stage. A publicly-accessible online tracking system from submission to post-decision is to be implemented in late 2012.
The Planning Helpline service (01245 435 555) is available throughout the application process, together with an email enquiry system at mineralsandwasteDM@essex.gov.uk .

Stage & Technique
ECC encourages site liaison groups to run irrespective of planning applications as a means to understand each others' viewpoints.
Pre-Application Stage
Applicants are keenly encouraged to consult appropriate statutory/non-statutory bodies for early advice.
Applicants are encouraged (or obliged in some circumstances) to carry out a Public Involvement Programme by using some or all of the techniques below (in agreement with the planning officer) depending on the size or impact of the application:
<ul style="list-style-type: none"> publishing information on their own websites from the pre-application stage onwards, and providing other easily-accessible information eg CDs
<ul style="list-style-type: none"> using media to raise awareness from pre-application stage onwards.
<ul style="list-style-type: none"> utilising leaflets, flyers etc as part of their public involvement programme, tapping into the parish newsletter network if appropriate.
<ul style="list-style-type: none"> setting up public exhibitions/displays etc, particularly for major or potentially controversial sites.
<ul style="list-style-type: none"> setting up local public meetings to address high levels of concern at an early stage.
Application Stage
Planning applications available to view in full at County and respective Essex DBCC offices, also at respective local libraries. Legal requirement to hold details on respective DBCC Planning Register.
ECC consults appropriate statutory/non-statutory bodies at this stage.
Details of applications published on ECC Planning website , together with consultation dates and summaries, and are published in <i>Making the Links</i> parish newsletter. Full applications available to view from late 2012, together with ability to track an application's progress from submission to determination.
Statutory requirement to advertise some categories of application in local press (see Table 10 below).
Statutory requirement to publicise all applications by site notice (see Table 10).
ECC contacts properties within a defined radius of a planning application by letter (DNN) as an additional method of involvement (statutory alternative to site notices: ECC does both).
ECC would suggest applicants consider public exhibitions and/or public meetings at application stage for proposals generating greater public interest than anticipated at the pre-application stage.

Stage & Technique
Public meetings can also be set up by parishes/districts/local groups at the application stage if high level of public interest is indicated.
Determination Stage
Before an application is determined, all consultation responses/representations received are taken into account by D&R Committee or by case officers determining applications under delegated powers.
Committee agendas, reports and minutes are published on ECC website (see 5.23 to 5.25 below).
Public speaking at D&R Committee (see 5.26 to 5.28).
Planning Aid representatives can speak/make representations on behalf of individuals/groups at D&R Committee.
Post-decision Stage
Copies of decision notices available to view online and at respective Essex DBCC offices; included in Planning Register, also sent to appropriate PTC offices.
Environment Agency informed of decision post-determination (if consulted) by letter, other consultees only on request.
Decision notices and enforcement information is published on ECC Planning website, and via the <i>Making the Links</i> parish newsletter.
Members of public who made representations notified of decision.
Applicants are encouraged to consider open days at sites as an ongoing method of engaging public interest.
ECC holds occasional industry meetings/workshops to update on general issues.

The Pre-application stage of a planning application

The objective of the pre-application stage is to establish the relevant planning policies that will be taken into account when the application is considered, and to highlight the main issues to be addressed, also to clarify the format, type and level of detail required by the planning authority to determine an application. The pre-application stage, while respecting commercial confidentiality, requires the planning authority, developer and interested parties to work together to achieve a considered application addressing relevant planning matters and taking into account public opinion.

5.5 There are two elements of the pre-application stage:

Discussion between planning authority and developer

5.6 To establish the relevant planning policies which will be taken into account when the application is considered; to highlight main issues to be addressed; to clarify the format, type and level of detail the planning authority will need to determine an application.

5.7

These discussions will also identify whether formal assessments such as [Environmental Impact Assessments](#), [Habitats Regulations Assessments](#) and [Flood Risk Assessments](#) are required, enabling the developer to submit these assessments with an application.

Engagement with the local community

5.8 The [Localism Act 2011](#), paragraph 122, now requires developers to carry out pre-application consultation before submitting a major planning application, and to take account of the responses to that consultation in the submitted application.

5.9 Early engagement (front loading) at the pre-application stage has benefits for all parties involved: for the developer, there will be significant savings in time and money if an application can be processed swiftly; there will be improved outcomes for local communities if their concerns can be taken into account before an application is formally submitted; the planning authority will be able to issue timely decisions if all necessary information is provided at the time of application

5.10 Depending on the level of the proposed application and in accordance with any advice received from the local planning authority, these must include publicity appropriate to the scale of the application and its likely local impact. This Public Involvement Programme may be in the media, by posters and flyers, by public exhibitions and meetings or by direct contact, or any other appropriate methods agreed with planning officers, which will achieve the requirement to bring the proposal to the attention of the majority of those homes and businesses in the vicinity of the proposal (see Table 8 above for examples). Any consultation material on the proposed application must include details of how individuals should respond and by when.

The [National Planning Policy Framework 2012](#), paragraph 189, stresses that although developers are not obliged to consult the planning authority before submitting an application, the planning authority should pro-actively encourage take-up of pre-application assistance.

The [Localism Act 2011](#), paragraph 122, places a requirement on developers to involve the local community in meaningful pre-application consultation (as agreed with the local planning authority), and to demonstrate how they have taken account of the responses to that consultation in the submitted application. See Table 8 above for examples of appropriate engagement.

5.11 A more detailed summary setting out the steps and requirements for all parties involved in the pre-application stage (including the role of County Councillors and the implications of new legislation) is currently in preparation, and will be available shortly [here](#) on the ECC website.

The Submission of a planning application

Valid planning applications are entered onto the Planning Register held by Essex **DBCCs** and publicised on site and in the local press if appropriate. Applications (currently in summary, shortly in full) are available to view in local council offices and libraries and on the Planning website, and a variety of relevant consultees are notified, including those living within an agreed radius of a proposed site (Direct Neighbour Notification).

Validation and Registration

5.12 ECC provides a validation checklist for the various types of application we deal with, together with details of any accompanying assessments which may be required to accompany the application, and these can be downloaded [here](#), together with further information which may be required.

5.13 As a result of the [Localism Act 2011](#), developers are now required to submit a formal record of their Public Involvement Programme as part of their planning statement for each major application.

5.14 Once **ECC's** new **APAS** case management system is fully operational, electronic copies of planning applications will be included on the Planning Register for each respective Essex district, borough and city council office.

5.15 The date when an application is validated is also recorded, as the planning authority is required to make every effort to process applications within set timescales. It should be noted that if an application arrives within working hours, it would be counted as arriving on that day, but if it arrives outside working hours, it would be regarded as having been received on the next working day, which excludes weekends, bank holidays and other public holidays. **ECC** working hours are currently 9am to 5pm on Monday to Thursday, and 9am to 4.30pm on Friday.

Awareness-raising and Consultation

Table 9 How planning applications are publicised

	Details of a planning application can be publicised in a number of ways, as set out below:
1	Details can be viewed on the Planning Register for the appropriate borough, city, district or unitary authority where the proposed application is located, or at County Hall, Chelmsford, by appointment.
2	A list of all current Minerals, Waste and County Council planning applications can be viewed here on the ECC website. The actual application and its progress towards determination will also be available to view shortly online.
3	At the moment, applications can be viewed in hard copy in the Essex library nearest to the proposed location during the 21-day consultation period. Some libraries are open outside office hours at evenings and weekends, but individual library opening hours should be checked here . Once the new case management system is fully functional, any application can be viewed online at any Essex library (excluding mobiles) for the whole of its progress towards determination.
4	The County Council's local Members are also notified of applications relevant to their district/ward or in the vicinity.
5	Appropriate parish and town councils are contacted automatically on planning applications (see Table 8 above), but are also supplied electronically each month with a list of all pending applications and decisions made via the ECC publication <i>Making the Links</i> . Also profiled each month in <i>Making the Links</i> are current and forthcoming applications of particular or general interest, or details of subsequent enforcement action which has become necessary (see Table 12.6 below).
	Depending on the category of the application (see Table 10), the following awareness-raising is also carried out by ECC
6	At least one site notice on or near the proposed site for at least 21 days (All categories of application).
7	Direct Neighbour Notification: all properties within 250 metres of the application site boundary will be sent a letter advising of the proposed application, giving details of where to view the application electronically and how to respond (All categories). For County Council applications, all properties adjacent to the application site boundary will be sent this information.
8	A public notice in the local press giving particulars of the application and how and when to respond. (Categories A and B – see Table 10)
9	If an application is of particular local interest, local parish and town councils (PTCs) may also wish to include further information in their parish newsletters, display details on community noticeboards or hold a public meeting, which ECC officers or the developers may be invited to attend.

5.16 This is in addition to the developer-led consultation with the local community described in Table 8 above.

Table 10 ECC Formal Consultation Procedures for different categories of planning application

Advertisement by	
<p>Category A</p> <p>An application which is</p> <ul style="list-style-type: none"> Accompanied by an Environmental Statement (known as an EIA application) A Departure, ie does not accord with the Development Plan Likely to affect a Public Right of Way under the terms of the Wildlife and Countryside Act (1981), Part 3 	<p>At least 1 site notice on or near the site for at least 21 days (statutory); and</p> <ul style="list-style-type: none"> By Direct Neighbour Notification (non-statutory); and Advertised as Notice of Particulars in local press (statutory)
<p>Category B</p> <p>An application which does not come under (A) above, but is defined as a major development, ie for:</p> <ul style="list-style-type: none"> Waste development The winning and working of minerals Provision of building(s) where floor space created is 1000sqm or more Development on a site of 1hectare or more 	<p>At least 1 site notice on or near the site for at least 21 days (statutory); and</p> <ul style="list-style-type: none"> By Direct Neighbour Notification(non-statutory); and Advertised as Notice of Particulars in local press (statutory)
<p>Category C</p> <p>An application covered under neither (A) nor (B) above</p> <p>NB: Additional provisions apply to applications involving listed buildings and conservation areas under Reg 5 of the Planning (Listed Buildings and Conservation Areas) Regs 1990 (as amended)</p>	<ul style="list-style-type: none"> At least 1 site notice on or near the site for at least 21 days (statutory); and By Direct Neighbour Notification(non-statutory)

5.17 Once the County Council has published details of a planning application, anyone wishing to comment on it must do so by the deadline set for each particular consultation, either online or by letter or email. Responding online is encouraged as the cheapest and fastest method of response.

5.18 Telephone comments cannot be accepted, but the Planning Helpline is available during office hours on 01245 435 555 to answer any queries relating to the consultation or how to respond or to check on progress. Alternatively, queries can be made via the ContactEssex service (see back cover for details). Advice on the submission of petitions relating to planning applications can be found [here](#).

5.19 All written representations will be taken into account, provided that:

- They include the sender's full name and address, even when sent by email.
- They arrive within the consultation period
- Representations are based on valid planning reasons such as traffic or landscape impact, but not, for example, perceived impact on local house prices. Further advice on this issue can be found [here](#) on the Planning Portal.

5.20 Consultation results will be reported and taken into account in decisions made by and on behalf of the Council.

Re-consultation

5.21 On occasion, it may be necessary to request further information or amendments to applications, some of which may require re-consultation. A minor amendment to an application which would not materially change the character of a development would not normally result in re-consultation. However, the submission of additional supporting information on which the public and statutory consultees need the opportunity to comment, or the introduction of significant amendments to a consultation would generate a further consultation period.

The Determination of a planning application

After the consultation process on the application stage is complete, the planning officer dealing with the application prepares a detailed report, taking into account all representations and consultation responses received. A decision is then taken on whether the application should go before the County's Development & Regulation (D&R) Committee, or be dealt with under Delegated Powers. (See Table 11 below).

5.22 The publication of the [National Planning Policy Framework 2012 \(NPPF\)](#) signals a shift in national policy towards the presumption in favour of sustainable development, and this affects both plan-making and decision-taking.

For those determining planning applications, and unless material planning considerations indicate otherwise, this means:

- Approving development proposals which accord with the current development plan without delay;
- Where the development plan is absent or silent, or relevant policies are out of date, granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in the NPPF indicate that development should be restricted

The ways in which a planning application can be determined

Table 11 The ways in which a planning application can be determined

<p>1) By Development and Regulation (D&R) Committee</p> <p><i>D&R Committee consists of a group of Members who meet once a month to consider and determine planning applications, assisted by detailed committee reports presented by planning officers. All Committee Members receive regular training on relevant planning issues and legislation.</i></p>	<p>An application would go before D&R Committee when it is recommended for approval and:</p> <ul style="list-style-type: none"> • It is subject to an Environmental Impact Assessment • 3 or more letters of objection relating to planning material considerations have been received and issues remain unresolved or • A Statutory consultee has a fundamental objection which cannot be overcome; or • The proposal is a major departure from the current Development Plan; or is an application which raises major issues
<p>2) By Delegated Powers</p> <p><i>Council has delegated the power of determining certain applications to the Head of Environmental Planning, assisted by detailed reports presented by planning officers</i></p>	<p>An application is likely to be determined under Delegated Powers when:</p> <ul style="list-style-type: none"> • 2 or fewer letters of representation have been received, and the Chairman of D&R Committee has not requested that it goes to the Committee for determination • The proposal accords with the policies of the current Development Plan and is otherwise approvable or • The proposal does not accord with policies in the current Development Plan (or specific policies in the National Planning Policy Framework if the Development Plan is out of date) and is to be refused

3) Exceptionally, by the Secretary of State for the Department of Communities & Local Government (**CLOG**)

The recommendation of D&R Committee or delegated report is sent to the Secretary of State who has the option of calling in the application for his or her own determination.

An application is likely to be determined in this way when:

- It is an application for County Council Listed Building or Conservation Area consent (which may be in conjunction with a planning application) or
- The proposal is otherwise covered under [Town & Country Planning \(Consultation\)\(England\) Direction 2009](#) and the Secretary of State directs that he/she would want to determine the application

Possible outcomes when a planning application goes before **D&R** Committee are:

- Approval
- Approval with conditions or requirements imposed (see Table 16 below)
- Refusal
- Non-determination (for example, when an applicant decides to withdraw the application)
- Referral to Secretary of State with recommendation to approve (see (3) above)
- Deferral until a site visit has taken place or more information has been received

Other post-decision options such as appeal on refusal and enforcement are discussed in Table 12 below

Officer Reports, Committee Agendas and Delegated Reports

5.23 **D&R** Committee agendas contain Planning Officers' reports on planning applications. The Agenda is published [here](#) at least 5 working days before the Committee meeting. Full agendas are no longer sent out in hard copy, but hard copy versions of the relevant reports are available from the Committee Administrator on 01245 430 163, as are alternative formats.

5.24 Delegated Reports (see Table 11 above) are also available to view [here](#) following determination. They can also be obtained from the Committee Administrator on 01245 430 163.

5.25 Officers' reports will include details of any recommendations made at the pre-application stage for applicants to carry out public consultation, and will summarise what the applicant has done to meet these recommendations, and to take on board public opinion.

Public Speaking on planning applications at Development & Regulation Committee

5.26 **D&R** Committee meetings are open to the public: that is to say, members of the public may attend the meetings, but they do not have an automatic right to speak at these meetings. Meetings are held in committee rooms at County Hall which are accessible to the disabled.

5.27 Those who have submitted an application and members of the public who have submitted a written representation on an application are entitled to register to speak at **D&R** Committee, in accordance with the committee's protocol. There is a requirement that the person or group

representative must have submitted a written representation upon the application being determined by Committee, and must have registered to speak with the Committee Administrator **at least two working days** before the date of the meeting.

5.28 Full details of the public speaking procedures are set out in the booklet *Development & Regulation Committee: Public Speaking on Planning Applications* available on the website [here](#), or by contacting the Committee Administrator for a copy (01245 430 163). Details are also given in the consultation and Direct Neighbour Notification letters.

The post-decision process

Following determination of the application, notification of the planning decision is sent to interested parties and placed on the Planning Register. This decision notice shows whether the application has been granted or refused, and (if granted) whether any conditions have been imposed. Mineral sites plus those waste sites still actively involved in landfill are monitored after this on a regular basis. Those with high standards of conformity are recognized at an awards ceremony, but any breaches of planning conditions are subject to an Enforcement Protocol.

Table 12 The post-decision process

1) Notification of the planning decision
<p>The applicant is sent a signed and dated planning decision notice showing whether the application has been granted or refused, and if granted, whether any conditions have been imposed. A copy of the decision notice is also sent to the Essex DBCC planning authority (where it is placed on the Planning Register for public inspection) and to the relevant parish council(s). Anyone who submitted a representation on the application will receive a letter detailing the decision made together with any conditions imposed.</p> <p>The decisions and minutes of the Development and Regulation Committee meeting are also posted on the County Council website here. Delegated decisions and decision notices can also be accessed via the same link. We shall shortly to be able to provide the facility via our website to enable the tracking of an application from validation to decision.</p>
2) Submission of Details
<p>Conditions attached to planning permissions can impose restrictions on development before, during and after implementation: eg, applicants could be required to submit detailed information concerning access arrangements to a site before planning permission can be implemented, whereas submission of information regarding planting or screening of the site may be deferred until after the commencement of development.</p>
3) Disposal of Applications
<p>If the planning authority has formally notified an applicant that further information is required to support an application which has been validated but not determined, and no further information has been received from the applicant in the 6-month period specified in that formal</p>

notification, the planning authority could dispose of the application with no right of appeal (see 4 below), nor option for the applicant to withdraw or proceed with the application. The application would be deemed no longer to be on the Planning Register, and the applicant would be informed accordingly.

4) Appeals on Decisions

Appeals can be made by applicants only to the Planning Inspectorate for determination for a number of reasons: non-determination, appeal on refusal, or against conditions imposed. There is no third party right of appeal on planning decisions (ie by members of the public).

Appeals can be held as Informal Hearings, Written Representations or Public Inquiries in accordance with the regulations ([Planning Appeals Procedures Circular 05/2000](#)). A good overview of the appeals process can be found [here](#), and [Planning Aid](#) may be appropriate in certain circumstances. Planning Appeals will be carried out in accordance with the regulations with consultees, and third party representations notified accordingly.

5) Site Liaison Groups, Site Monitoring, Site Awards and Aftercare

The creation of formal liaison groups on active minerals and waste sites is actively encouraged. These are an invaluable opportunity for the developer and community to discuss not only the day to day operations on site, but also issues and stages of development or initial planning applications . (see Table 7 above).

Planning officers carry out regular site visits to check for compliance with conditions on active minerals sites and waste landfill sites and make occasional inspections of inactive sites, waste management sites and **Reg 3** sites. Any issues arising from these inspections would normally be dealt with by discussions between the planning officer and the operator concerned.

However, if remedial actions were not taken within an agreed timescale, this could result in the implementation of enforcement action in accordance with the enforcement protocol (see 6 below).

This Authority undertakes formal Site Monitoring of mineral extraction and landfill sites. There are set monitoring fees for the visits and formal reports are produced for the operator. A separate [Mineral & Active Landfill Environmental Awards Scheme](#) has been in operation since 1997 and is carried out in conjunction with the [Mineral Products Association](#) to recognise those sites which operate in the most environmentally-sensitive manner.

Some minerals and waste developments are temporary operations and are reinstated back to a specific afteruse – eg agriculture. Restoration and aftercare conditions are applied to achieve the appropriate reinstatement of the land for afteruse. Planning conditions are normally imposed and annual aftercare meetings are held as phases of the development are restored to monitor how the land is re-instated. The aftercare period is normally for 5 years after re-instatement begins for each phase.

6) Enforcement

Where unauthorised development appears to have taken place, or it appears that planning conditions/limitations have not been followed, **ECC** may initiate formal enforcement action in accordance with our [Enforcement concordat](#), updated in line with paragraph 207 of the [National Planning Policy Framework 2012](#).

Initially informal discussions between the operator and the relevant officer would take place to try to resolve issues. If the matter could not be resolved amicably in this way, the procedures set out in the [Enforcement Concordat](#) would then be implemented. For the important role which the public can play in this process, see Table 7 above.

7) Complaints

If members of the public are unhappy with the way the decision or post-decision processes have been carried out (as opposed to being unhappy with the decision itself), they may wish to take formal issue via the County's [Complaints Policy](#). Our full procedures for making complaints, comments or compliments is set out [here](#).

6 HOW SHALL WE REVIEW THE SCI?

6.1 The **SCI** will be monitored through the [Annual Monitoring Report](#) which reviews the implementation and effectiveness of the **SCI** and of the Minerals and Waste Local Plans against the Minerals & Waste Development Scheme and respective policies. Unless future changes to national legislation or **ECC** corporate policy necessitates a Second or subsequent Review of the **SCI**, the **SCI** will continue to be monitored and consulted upon according to the process set out below.

Table 13 Monitoring and Subsequent Review of the SCI

The **SCI** will be subject to regular review as part of the [Annual Monitoring Report](#) in accordance with the timetable set out in the [Minerals and Waste Development Scheme](#).

The **SCI** will be monitored against **ECC** corporate policies, including the Communications & Marketing Strategy 2012-2017 and accompanying Print Policy, and reported in the [Annual Monitoring Report](#).

Conformity with the procedures and statements set out in this **SCI** and responsiveness to feedback received from consultees and the general public will be monitored as part of the Annual Monitoring Process. This will be done normally by monitoring against the Minerals & Waste Development Scheme for quantitative data, and through feedback from consultees for qualitative data.

Feedback from each consultation exercise will be taken on board to assess the effectiveness of the various techniques used, and evaluated in terms of cost-effectiveness and availability of resources to implement. Any activities proposed above the minimum statutory requirements will be kept under regular review, and if identified as unsuccessful at the **Annual Monitoring Review** stage, will be refined or replaced at the next consultation stage.

The results will continuously inform the preparation of the Local Plans and the consideration of planning applications.

7 APPENDIX

Consultees on the Minerals and Waste Local Plans

The [2012 Regulations](#) (Reg 18) require us to consult:

- a. such of the specific bodies as we consider may have an interest in the subject of the proposed document;
- b. such of the general consultation bodies as we consider appropriate and
- c. such residents or other persons carrying on business in the area from which we consider it appropriate to invite representations.

a) Specific Consultation Bodies

<ul style="list-style-type: none"> • A relevant authority any part of whose area is in or adjoins Essex, namely: <ul style="list-style-type: none"> • <i>Essex District Borough or City Councils</i> • <i>Essex Parish or Town Councils</i> • <i>Essex County Council internal consultees</i> • <i>Neighbouring County Councils</i> • <i>Neighbouring Unitary Authorities</i> • <i>Neighbouring London Boroughs</i> • <i>Neighbouring Districts or Boroughs</i> • <i>Neighbouring Parish/Town Councils</i> • <i>Police Authorities.</i> • The Coal Authority • The Environment Agency • English Heritage • The Marine Management Organisation • Natural England • Network Rail Infrastructure Limited (company number 2904587) • The Highways Agency • Any person to whom the electronic communications code applies (under section 106(3)(a) of the Communications Act 2003) 	<ul style="list-style-type: none"> • Any person who owns or controls electronic communications apparatus situated in any part of Essex • Any of the following exercising functions in Essex: <ul style="list-style-type: none"> • A Primary Care Trust established under section 18 of the NHS Act 2006 or continued in existence by virtue of that section; • A person to whom a license has been granted under section 6(1)(b) or (c) of the Electricity Act 1989; • A person to whom a license has been granted under section 7(2) of the Gas Act 1986; • Sewerage undertakers • Water undertakers • The Homes and Communities Agency <p>Also:</p> <ul style="list-style-type: none"> • The Regional Planning body; East of England Local Government Association; Greater London Authority • Appropriate government departments, including Defra, MOD, Department for Transport etc
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b) General Consultees

<ul style="list-style-type: none"> • Voluntary bodies some or all of whose activities benefit any part of Essex • Bodies which represent the interests of different racial, ethnic or national groups in Essex • Bodies which represent the interests of different religious groups in Essex • Bodies which represent the interests of disabled persons in Essex • Bodies which represent the interests of persons carrying on business in Essex • Age UK • Airport operators • British Geological Survey • Canal and River Trust, canal owners and navigation authorities • Centre for Ecology & Hydrology • Chamber of Commerce, local CBI and local branches of Institute of Directors • Church Commissioners • Civic societies • Civil Aviation Authority • Community groups • Crown Estate Office • Design Council • Dedham Vale AONB/Stour Valley Management Plan • Diocesan Board of Finance 	<ul style="list-style-type: none"> • Disabled Persons Transport Advisory Committee • Environmental groups at national, regional and local level, including; <ul style="list-style-type: none"> • <i>Council for the Protection of Rural England;</i> • <i>Friends of the Earth;</i> • <i>RSPB</i> • <i>Wildlife Trusts</i> • Equality and Human Rights Commission • Fire and Rescue Services • Friends, Families & Travellers • Fields in Trust • Forestry Commission • Freight Transport Association • Gypsy Council • Health and Safety Executive • Home Builders Federation • Learning and Skills Councils • Local transport authorities • Local transport operators • Passenger transport authorities • Passenger transport executive • Police architectural liaison officer/crime prevention design advisors • Port operators • Post Office Property Holdings • Rail Freight Group • Road Haulage Association • Skills Funding Agency • Sport England • Transport for London
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c) Other Consultees

Such residents or other persons carrying on business in the area from which we consider it appropriate to invite representations, eg previous respondees and Direct Neighbour Notification consultees.

This information is issued by
Essex County Council, Minerals and Waste Planning
as part of the Minerals and Waste Development Framework.

You can contact us in the following ways:

By email:

mineralsandwastepolicy@essex.gov.uk

By telephone:

Helpline 01245 435 555 (during office hours, Monday to Friday)

ContactEssex 0845 603 7624 or Minicom 0845 758 5592

8am to 8pm Monday to Friday, Saturday 9am to 12 noon

By post:

Essex County Council, Minerals and Waste Planning

Environment, Sustainability and Highways

FREEPOST CL3636, E3, County Hall, Chelmsford, Essex CM1 1XZ

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