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Chief Executive

A **MEETING OF THE COUNCIL** of the Borough of Castle Point will be held in the Council Chamber, Council Offices, Kiln Road, Thundersley, on **WEDNESDAY, 29TH MARCH, 2017 at 7.30 p.m.**, and all Members of the Council, listed below, are hereby summoned to attend to transact the undermentioned business.

Councillors S. Cole, (The Worshipful the Mayor), B.S. Wood (Deputy Mayor), A.J. Acott, J. Anderson, A.J. Bayley, D.A. Blackwell, B. Campagna, D.T. Cross, W.J.C. Dick, Mrs B. Egan, E. Egan, Mrs W. Goodwin, P.C. Greig, S. Hart, N.R. Harvey, R.C. Howard, J. Hudson, R. Hurrell, G.I. Isaacs, Mrs J. King, N.E. Ladzrie, C.A. MacLean, P.J. May, C.E. Mumford, B.A. Palmer, J.A. Payne, Mrs J. Payne, A. Partridge, C.G. Riley, Mrs C.J. Sach, W.K. Sharp, A.G. Sheldon, T.F. Skipp, N.G. Smith, J.A. Stanley, A. Taylor, P.E. Varker, A.C. Walter, Mrs L. Wass, Mrs G. Watson and N. Watson.

Chief Executive

AGENDA

PART I

(Business to be taken in public)

Before commencing the business of the meeting, prayers will be offered by the Chaplain.

1. Apologies for absence

2. Members' Interests

3. Minutes

To receive the Minutes of the meeting of the Ordinary Council held on 7th December 2016 and the Special Council meeting held on 15th February 2017.

4. Mayor's Announcements

The Mayor will report at the meeting.

- 5. Presentation:**
Roger Hirst Essex Police and Crime Commissioner for Essex is to attend the meeting and will brief the Council on the proposal to amalgamate the Police and Fire Service
- 6. Questions from members of the public of which Notice has been received**
There are none.
- 7. Questions from Members of the Council of which Notice has been received**
There are none.
- 8. To deal with any business from the last Council Meeting**
There is none.
- 9. Any explanations for urgent decisions taken by Cabinet**
There are none.
- 10. Consideration of recommendations from Cabinet:**
There are none.
- 11. Any References from the Scrutiny/Policy and Scrutiny/ Regulatory or Statutory Committees**
There are none.
- 12. New Local Plan 2016: Report on the Examination of the Castle Point New Local Plan 2016**
A report is to be circulated separately.
- 13. Report from the Leader of the Council**
The Leader is to report at the meeting.
- 14. Notices of Motion**
Details are attached to the Agenda.
- 15. Petitions submitted by Members of the Council of which Notice has been given.**
No Notice has been received.



ORDINARY COUNCIL MINUTES

7TH DECEMBER 2016

MINUTES of the Ordinary Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 7th December 2016.

PRESENT:

Councillors S. Cole, (The Worshipful the Mayor), A.J. Acott, J. Anderson, A.J. Bayley, D.A. Blackwell, B. Campagna, D.T. Cross, W.J.C. Dick, Mrs B. Egan, E. Egan, P.C. Greig, S. Hart, N.R. Harvey, R.C. Howard, J. Hudson, R. Hurrell, G.I. Isaacs, Mrs. J. King, N.E. Ladzrie, P.J. May, C.E. Mumford, B.A. Palmer, A. Partridge, C.G. Riley, A.G. Sheldon, T.F. Skipp, N.G. Smith, J.A. Stanley, A. Taylor, P.E. Varker, A.C. Walter, Mrs L. Wass,

Apologies for absence were received from Councillors Mrs W. Goodwin, C.A. MacLean, J.A. Payne, Mrs. J. Payne, Mrs C.J. Sach, W.K. Sharp, Mrs G. Watson, N. Watson and B.S. Wood,

40. IN MEMORIAM

At the beginning of the meeting the Council had stood in silence in memory of:

- County Councillor Joe Pike MP former Chairman of Benfleet Urban District Council and Chairman of Castle Point District Council –
- Former Councillor and Leader of the Council Dave Wells
- Former Councillor and Chairman of Castle Point District Council Peter Woods
- Town Clerk of Canvey Island Town Council Ellea Hunt

41. MEMBERS' INTERESTS

There were none.

42. MINUTES

The Minutes of the Ordinary Council held on 28th September 2016 were taken as read and approved as a correct record. The Mayor signed the Minutes.

43. MAYOR'S ANNOUNCEMENTS

- The Mayor on behalf of the Council offered Cllr Neville Watson best wishes for a speedy recovery and return to the Chamber.
- The Mayor was honoured to take part in the Remembrance Sunday service at St Mary's Benfleet and afterwards at the wreath laying at the War Memorial. The Mayor thanked all Councillors who had attended and supported the Remembrance Services held across the Borough.

- The Mayor was pleased to attend the Castle Point Business Forum to launch the Mayor's Business Awards and the Castle Point and Rochford Sports Award Evening held on 24th November 2016.
- The Mayor reminded everyone that Community Carols would take place at 6 pm on Sunday 11th December at the Salvation Army Temple Hadleigh.
- The Mayor was pleased to attend the Jack Petchy Awards ceremony on 6th December 2016.
- The Mayor highlighted and encouraged support for J9, an initiative to prevent domestic abuse.

44. QUESTIONS FROM MEMBERS OF THE PUBLIC OF WHICH NOTICE HAD BEEN RECEIVED

There were none.

45. QUESTIONS FROM MEMBERS OF THE COUNCIL OF WHICH NOTICE HAD BEEN RECEIVED

There were none.

46. TO DEAL WITH ANY BUSINESS FROM THE LAST COUNCIL MEETING

There was none.

47. ANY EXPLANATIONS FOR URGENT DECISIONS TAKEN BY CABINET

There were none.

48. CONSIDERATION OF RECOMMENDATIONS FROM CABINET: ARRANGEMENTS FOR THE APPOINTMENT OF THE COUNCIL'S EXTERNAL AUDITOR

Council considered recommendations from the Cabinet meeting held on 16.11.2016 on the provisions of the Local Audit & Accountability Act 2014 regarding the appointment of the External Auditor to the Council.

Resolved

1. To note the requirements relating to the appointment of the Council's External Auditor for 2018/19 and beyond.
2. To approve arrangements to opt into the arrangements led by Public Sector Audit Appointments, for a national collective scheme for auditor appointments.

**49. CONSIDERATION OF RECOMMENDATIONS FROM CABINET:
LOCAL COUNCIL TAX SUPPORT (LCTS) SCHEME FOR 2017/18**

Council considered recommendations from the Cabinet meeting held on 16.11.2016 in respect of the results of consultation on proposed changes for the 2017/18 scheme and recommended changes to the Local Council Tax Support scheme for 2017/18.

Resolved

1. To note and carefully consider the consultation results, Impacts assessment, and Stage 2 Equality Impact Assessment appended to the report before making any decision on the scheme.
2. To approve the proposed changes to the Local Council Tax Support Scheme 2017 /18 as set out in Section 6 to the report before the Council.

**50. ANY REFERENCES FROM THE SCRUTINY, POLICY & SCRUTINY OR
REGULATORY COMMITTEES**

There were none

51. REPORT OF THE LEADER OF THE COUNCIL

The Leader of the Council reported on the New Local Plan and the arrangements for a hearing on the Duty to Co-operate to be held on Monday 12th December 2016.

The Leader took the opportunity to respond to late questions submitted by Councillor Sheldon to report that all South Essex Councils have agreed a 'Duty to Co-operate Statement of Common Ground' setting out matters which had been the subject of joint discussion and agreement during preparation of the New Local Plan .The statement was available on the Council's website.

The Leader referred to the Police and Crime Commissioners Policing Plan for Essex and arrangements to open a Rochford & Castle Point Police Hub at the Council Offices in 2017 to support targeted action to reduce crime.

The Leader reported that as a gesture of good will for the Christmas Season all charges in Town Centre car parks would be suspended for the period 17 - 27 December 2016.

The Leader concluded his report by thanking all Member and Officers for their support and wishing everyone best wishes for Christmas and New Year.

52. NOTICES OF MOTION

Councillor Sheldon had given notice of the following:

"This Council requests the Chief Executive on behalf of the Council to write to the Chief Executive of Anglian Water Plc to thank the company for the hard and ongoing work to the Canvey Island drainage system, but also to request that all immediate action is taken to prevent further serious failures at Benfleet Sewage Plant"

The Motion was moved and seconded. An amendment having been moved and seconded and accepted by the Proposer and Seconder debate took place on the following substantive Motion:

"This Council requests the Chief Executive on behalf of the Council to write to the Chief Executive of Anglian Water Plc to request that all immediate action is taken to prevent further serious failures at Benfleet Sewage Plant"

At the conclusion a vote was taken which was CARRIED unanimously and RESOLVED accordingly

53. COMMITTEE MEMBERSHIP CHANGES

Council noted the following changes received from Cllr Blackwell, the Leader of the CIIP Group to the Canvey Island Independent Party's nominees:

Scrutiny Committee - Cllr Alan Acott to replace Cllr Neville Watson

Development Control Committee - Cllr Allan Taylor to replace Cllr Neville Watson

54. PETITIONS

There were none.

There being no other business the Mayor wished everyone present a Happy Christmas and New Year

Mayor



SPECIAL COUNCIL MINUTES

15TH FEBRUARY 2017

MINUTES of the Special Meeting of the Council of the Borough of Castle Point held in the Council Chamber, Council Offices, Kiln Road, Thundersley on 15th February 2017.

PRESENT:

Councillors S. Cole, (The Worshipful the Mayor), B.S. Wood (Deputy Mayor), A.J. Acott, J. Anderson, A.J. Bayley, D.A. Blackwell, B. Campagna, D.T. Cross, W.J.C. Dick, Mrs B. Egan, E. Egan, P.C. Greig, S. Hart, N.R. Harvey, R.C. Howard, J. Hudson, R. Hurrell, G.I. Isaacs, N.E. Ladzrie, P.J. May, C.A. MacLean, C.E. Mumford, B.A. Palmer, A. Partridge, J.A. Payne, Mrs. J. Payne, C.G. Riley, Mrs C.J. Sach, W.K. Sharp, A.G. Sheldon, T.F. Skipp, N.G. Smith, J.A. Stanley, A. Taylor, P.E. Varker, A.C. Walter, Mrs G. Watson,

Apologies for absence were received from Councillors Mrs W. Goodwin, Mrs J. King, Mrs L. Wass and N. Watson.

55. MEMBERS' INTERESTS

There were none.

56. POLICY FRAMEWORK AND BUDGET SETTING FOR 2017/18

This Special Meeting of the Council had been scheduled to determine the budget requirement and the level of Council Tax for 2017/2018.

At the Cabinet meeting held earlier that evening, the Cabinet considered the report on the Policy Framework and Budget Setting for 2017/18.

The Council must make certain statutory calculations in relation to the budget requirement and Council Tax for 2017/18. These were set out in full in the Policy Framework and Budget Setting report.

Council was asked to consider and resolve recommendations 1 to 17 as set out in the report.

The Head of Resources, Section 151 Officer formally presented the report to Council confirming that the estimates and budget process were robust and confirming the adequacy of the recommended level of reserves.

The Deputy Leader of the Council, Cabinet Member for Finance and Resources took Council through the report drawing attention to the key features of the budget. The Deputy Leader of the Council commented that the proposed

increase in Council Tax equated to 9p per week with all Council services being maintained at a sum of less than £5 per week.

The Deputy Leader of the Council concluded that the budget was balanced fully providing for the provision of both statutory and non-statutory services, with minimum waste and providing good value for money.

The Deputy Leader of the Council acknowledged and thanked the hard work and dedication of the officers mentioning specifically the Head of Resources, the Council's Section 151 Officer and her colleagues for their work in preparing the budget.

The Deputy Leader formally moved the recommendations to Council.

The Leader of the Council seconded the recommendations. Discussion took place on the recommendations during which the Deputy Leader, Cabinet Member was questioned concerning details within the budget.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 which had come into effect on 24 February 2014, a recorded vote was taken on the recommendations of the Cabinet meeting held earlier in the evening and the Members present voted as follows:

For:

Councillors: Cole, Cross, Dick, Mrs B Egan, E. Egan, Hart, Howard, Hudson, Hurrell Isaacs, Ladzrie, Maclean, Mumford, Partridge, Riley, Sharp, Sheldon, Skipp, Smith, Stanley, Walter Wood. (22)

Against:

Councillors: Acott, Anderson, Bayley, Blackwell, Campagna, Greig, Harvey, May, Palmer, J. Payne, Mrs. Payne, Mrs Sach, Taylor, Varker, Mrs. Watson. (15)

Abstained:

None

Resolved:

Implementation of Council policies and related spending plans

1. That Council note the efficiency savings, cost reductions and additional income summarised in table 2.1.
2. That Council approves the continued funding of priority projects and other items of discretionary expenditure, as set out in table 9.1.
3. That Council notes the cost pressures and other budget increases (growth) as set out in table 9.2.

4. That subject to recommendations 1 to 3 above, the revenue spending plans for 2016/17 (revised) and 2017/18, set out in section 9, tables 9.3 (summary) and 9.4 (net services expenditure) of the accompanying report, are approved.

Capital spending plans and prudential indicators

5. That the capital spending plan described in section 11 of the accompanying report (tables 11.2 and 11.3) is approved in respect of 2016/17 (revised) and 2017/18.
6. That it is noted that as stated in paragraph 21 of section 11 of the accompanying report, and based on current plans and proposals, gross external borrowing is not expected to exceed the capital financing requirement in the current or forthcoming two financial years.
7. That as required by section 3 of the Local Government Act 2003 and the Prudential Code for Capital Finance in Local Authorities, the following Prudential Indicators are approved as set out in the appropriate sections of the accompanying report:

Prudential Indicator - Reference to sections 11, 12 and 13 of accompanying report	
Capital expenditure	Tables 11.2 and 11.3
Ratio of financing costs to net revenue stream	Table 11.4
Capital financing requirement	Table 11.5
Authorised limit for external debt	Table 11.6
Operational boundary for external debt	Table 11.7
Incremental impact of capital investment	Table 11.8
Housing Revenue Account limit on indebtedness	Section 11 para 34
Maturity structure of fixed rate borrowing - upper and lower limits	Table 12.2
Upper limits of fixed and variable interest rate exposures	Table 12.3
Maximum period and counterparty limits for specified investments	Table 13.1

8. That the Statement of Minimum Revenue Provision for 2017/18, as stated in paragraphs 35 to 37 of section 11 of the accompanying report is approved.
9. That no new capital proposals are allowed until:
- the proposal has been evaluated in accordance with all relevant evaluation criteria;
 - the Cabinet has confirmed affordability and compliance with the Prudential Code for Capital Finance in Local Authorities;
 - the Cabinet has considered and approved details of the proposal.
10. That the policies and strategies supporting the budget framework and contained within the accompanying report are approved.

Statutory report of the Head of Resources

11. That as required by section 25 of the Local Government Act 2003, the report of the Head of Resources set out in section 16 of the accompanying report in respect of robustness of the estimates is noted.
12. That as required by section 25 of the Local Government Act 2003, the report of the Head of Resources set out in section 8 of the accompanying report in respect of the adequacy of proposed financial reserves is noted.

Statutory calculations in respect of the budget requirement & Council Tax as required by the Local Government Finance Act 1992, as amended (“the Act”)

13. That as set out in section 5 of the accompanying report it is noted that acting under delegated authority and in consultation with the Cabinet Member responsible for Finance & Resources and the Head of Resources has calculated:
 - a) A tax base for the Borough of Castle Point of **30,077** being the amount **T** required by Section 31B of the Act; and
 - b) A tax base for Canvey Island to which a Town Council precept applies as **11,647**.
14. That the following amounts be calculated for the year 2017/18 in accordance with sections 31 to 36 of the Act:

Ref	Amount £	Item
(a)	62,017,745	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish (Town) Councils.
(b)	54,458,161	being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
(c)	7,559,584	being the amount by which the aggregate at 14(a) above exceeds the aggregate at 14(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the act)
(d)	251.34	being the amount at 14(c) above (item R), divided by item T (14(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish (Town) precepts.
(e)	243,345	being the aggregate amount of the (Parish (Town) precepts) referred to in Section 34(1) of the Act.
(f)	243.36	being the amount at 14(d) above less the result given by dividing the amount at 14(e) above by item T (14(a) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

15. That Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2017/18 for each part of its area and for each category of dwelling. This information is included within section 17 of the accompanying report:

Castle Point Borough Council Tax 2017/18, including and excluding Town Council precept, for each of the following categories of dwelling:

Band	Council Tax Including Town Council £	Council Tax Excluding Town Council £
A	175.98	162.24
B	205.31	189.28
C	234.64	216.32
D	263.97	243.36
E	322.63	297.44
F	381.29	351.52
G	439.95	405.60
H	527.94	486.72

16. To note that the County Council, the Policy Authority and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area, as indicated in the table below:

Band	Castle Point Borough Council £	Essex County Council £	Essex Fire Authority £	PCC for Essex £	Total Excluding Town Council £	Canvey Island Town Council £	Total Including Town Council £
A	162.24	775.80	46.02	104.70	1,088.76	13.74	1,102.50
B	189.28	905.10	53.69	122.15	1,270.22	16.03	1,286.25
C	216.32	1,034.40	61.36	139.60	1,451.68	18.32	1,470.00
D	243.36	1,163.70	69.03	157.05	1,633.14	20.61	1,653.75
E	297.44	1,422.30	84.37	191.95	1,996.06	25.19	2,021.25
F	351.52	1,680.90	99.71	226.85	2,358.98	29.77	2,388.75
G	405.60	1,939.50	115.05	261.75	2,721.90	34.35	2,756.25
H	486.72	2,327.40	138.06	314.10	3,266.28	41.22	3,307.50

17. To note that, in accordance with the requirements of section 52ZC of the Act the Council has determined whether its Relevant Basic Amount of Council Tax for 2017/18 is excessive.

For 2017/18, the relevant basic amount of council tax for Castle Point would be deemed excessive if the authority's relevant basic amount of council tax for 2017/18 is:

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- (a) 2%, or more than 2%, greater than its relevant basic amount of council tax for 2016/17; and
- (b) More than **£5.00** greater than its relevant basic amount of council tax for 2016/17.

Ref	Amount £	Item
(a)	238.68	being the Relevant Basic Amount of Council Tax for 2016/17, excluding local precepts.
(b)	2.0%	being the percentage increase above which the Secretary of State has determined the Relevant Basic Amount of Council Tax for 2017/18 would be excessive.
(c)	243.45	being the amount above which the Relevant Basic Amount of Council Tax for 2017/18, excluding local precepts, would be excessive (rounded down to the nearest penny).
(d)	243.36	being the Relevant Basic Amount of Council Tax for 2017/18, excluding local precepts.

The Relevant Basic Amount of Council Tax for 2017/18 is therefore, not excessive and the duty to make substitute calculations and hold a referendum does not apply (Chapter 4ZA of Part 1 of the Act).

57. LEAVE OF ABSENCE: COUNCILLOR NEVILLE WATSON

Council approved leave of absence for Councillor Neville Watson during his recovery from illness. Council joined with the Mayor in welcoming Councillor Mrs Watson back to the Chamber and in offering all good wishes to Councillor Neville Watson for his recovery.

Mayor

ORDINARY COUNCIL

29th March 2017

**Subject: New Local Plan 2016: Report on the Examination of the
Castle Point New Local Plan 2016**

1. Purpose of Report

This report considers the findings and Report of the Planning Inspector appointed to examine the Council's New Local Plan.

This report advises that the appropriate course of action for the Council is to withdraw the New Local Plan in the light of the Inspector's Report.

The report also advises of the significant co-operation underway on strategic planning matters with neighbouring authorities to create a strategic planning framework for South Essex.

Finally the report recommends that a further report be received in due course, giving consideration to future plan-making in the Borough, involving a review of the processes to improve evidence examination and plan-making, as well as proposing a new Local Development Scheme, as a work programme to guide the formulation of new planning policy for the Borough.

2. Links to Council's Priorities and Objectives

The proposals primarily concern the following Council aims:

- Transforming our Community**
- Efficient and Effective Customer Focused Services**

3. Recommendations

- 1. That the Council notes the Planning Inspector's report regarding the New Local Plan 2016;**
- 2. That, as a result of his report, the New Local Plan 2016 be withdrawn;**
- 3. The Council agrees to continue to participate in work to create a strategic planning framework for South Essex, involving co-operation on strategic matters with neighbouring authorities,**

4. The Council agrees to receive a further report in due course reviewing processes to improve evidence examination and plan-making, and proposing a new Local Development Scheme, as a work programme to guide the formulation of new planning policy for the Borough.

4. Background

- 4.1 At the Ordinary Council meeting on 23rd March 2016 it was agreed to approve the publication of the Castle Point New Local Plan 2016 as amended by Council on 24th February 2016 for further consultation and then submission to the Secretary of State.
- 4.2 Consultation on the Plan took place from 16th May 2016 until 30th June 2016. The Plan and the representations made to it were then submitted to the Planning Inspectorate for examination on behalf of the Secretary of State on 25th August 2016.
- 4.3 A Planning Inspector, David Smith BA Hons DMS MRTPI was appointed to examine the Plan.
- 4.4 He wrote to the Council initially on 22nd September 2016 expressing concern as to whether the “duty to co-operate” had been met in the light of the representations he had read from neighbouring authorities and the County Council. The Council replied on 14th October 2016.
- 4.5 Having considered the Council’s response the Inspector decided to convene a Hearing on 12th December 2016 to consider the “duty to co-operate” further and invited neighbouring authorities and the County Council to attend.
- 4.6 The Hearing took place in Runnymede Hall and was attended by Planning and Legal Officers of the Borough Council, and officers from neighbouring authorities and the County Council.
- 4.7 On 5th January 2017, the Planning Inspector advised the Council by letter of his conclusion that the “duty to co-operate” had not been complied with.
- 4.8 On 10th March 2017, the Planning Inspector completed his formal Report on the Castle Point New Local Plan 2016, and concluded that the Plan should not be adopted. A copy of the report is attached.

5. The Letter and formal Report

- 5.1 At paragraphs 4 to 9 of his letter, the Planning Inspector explained the legal background to the “duty to co-operate”. He explained how it differed from tests of soundness. He also recognised that the Council had committed considerable resources into preparing a plan given the importance of sustainable development. However the “duty to co-operate” cannot be avoided.

- 5.2 From paragraphs 10 through to 13 of his letter, the Planning Inspector noted the arrangements in South Essex for co-operation on strategic matters, and noted that it was structured and frequent.
- 5.3 In paragraphs 14 through to 24 the Planning Inspector provided some preliminary observations regarding plan-making in Castle Point, and in South Essex. He noted for example that there is a clear understanding and agreement on strategic matters. He was also satisfied that the Council had considered joint plan-making in accordance with the “duty to co-operate”.
- 5.4 From paragraph 25 of his letter onwards, the Planning Inspector turned to three strategic matters – housing, gypsy and travellers and transport.
- 5.5 Insofar as **housing** is concerned, the Inspector noted that the New Local Plan is based on an objectively assessed housing need of 400 homes per annum, that the draft New Local Plan proposed 200 homes per annum, but that this was reduced to 100 homes per annum after the Task & Finish Group failed to reach agreement on the release of Green Belt sites.
- 5.6 He noted that there was no mechanism in place in South Essex to distribute the unmet housing need.
- 5.7 He acknowledged the Council’s view that the National Planning Policy Framework (NPPF) attaches great importance to the Green Belt and that the NPPF advises that housing need may be restrained by Green Belt.
- 5.8 However he noted that the “last minute” decision to reduce the housing target by a considerable amount fell short of the necessary co-operation on this strategic matter particularly since neighbouring authorities are similarly constrained.
- 5.9 Turning to **gypsy and traveller** provision, the Planning Inspector noted that Basildon had requested assistance in meeting unmet need for gypsy & traveller sites from its area. He noted that New Local Plan contained a criteria based policy for assessing any applications for gypsy & traveller sites but expected to see evidence that the Council had “made every effort” to try to accommodate Basildon’s request by for example conducting either a site search or a call for new gypsy & traveller sites.
- 5.10 Finally on **transport** matters the Planning Inspector noted Thurrock’s continued opposition to a third road from Canvey Island linking to The Manorway at Coryton. However he noted that the policy in the New Local Plan required work with partners and the evaluation of all options, and that the “duty to co-operate” had not been failed in this respect.
- 5.11 In conclusion the Planning Inspector found that there were fundamental shortcomings in the steps taken, or not taken, to secure the necessary co-operation on the strategic cross-boundary matter of **housing**. In addition, the Council had not made every effort to consider how it might deal with the significant unmet need for **gypsy & traveller sites** in south Essex arising, in particular, from Basildon. He advised that the Council should engage in necessary discussions and actions with others.

- 5.12 The Inspector's formal Report almost exactly replicates his letter and in paragraphs 6 through to 22 the findings concerning the strategic matters of housing and gypsies and travellers are repeated. The Inspector concludes his formal Report by stating that the Plan should not be adopted.

6. The Next Steps for the New Local Plan 2016

- 6.1 The Council must now deal with the New Local Plan 2016 in the light of the Planning Inspector's letter and Report.
- 6.2 Independent legal advice has been obtained, and it concludes there is unlikely to be any legal basis for a challenge to the Planning Inspector's findings.
- 6.3 The Planning & Compensation Act 2004 makes clear that a local planning authority must not adopt a plan where the Planning Inspector examining the plan has not recommended that course of action or modifications.
- 6.4 The Planning Practice Guidance explains that "Where the Inspector concludes that the duty to cooperate or other basic procedural requirements have not been met, or there are fundamental issues regarding the soundness of the plan that cannot be addressed through modifications, it will be recommended that the submitted plan is not adopted. In these circumstances the local planning authority will be unable to adopt the Local Plan and it should be withdrawn..."
- 6.5 The Guidance goes on to explain that "Speedy withdrawal of a plan in such circumstances provides certainty to the local community, applicants and other interests about the status of the planning framework in the area. Until a revised plan is brought forward to adoption, any existing Local Plan policies will remain in place."
- 6.6 For these reasons the New Local Plan 2016 can carry no weight in making decisions on planning matters, because of the flaws identified by the Planning Inspector in its preparation.
- 6.7 It is therefore necessary for the Council to now withdraw the New Local Plan 2016.

7. The next steps for plan making in Castle Point

- 7.1 The development plan for the Borough remains the 1998 Adopted Local Plan, as amended and saved by the Secretary of State in 2007.
- 7.2 There are also numerous non-statutory supplementary planning guidance documents which have been prepared since that time which the Council has adopted for planning purposes, and which will remain in place:
- Essex Design Guide Urban Places Supplement August 2008
 - Castle Point Developer Contributions Guidance Supplementary Planning Document October 2008
 - Essex Vehicle Parking Standards June 2010

- Canvey Town Centre Masterplan Supplementary Planning Document July 2012
- Residential Design Guidance Supplementary Planning Document January 2013

7.3 However in the light of the Planning Inspector's findings it is clear that future plan-making in Castle Point will need to be conducted in co-operation with neighbouring local planning authorities, particularly on strategic planning matters. These are defined in the National Planning Policy Framework as;

- the homes and jobs needed in the area
- the provision of retail, leisure and other commercial development
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)
- the provision of health, security, community and cultural infrastructure and other local facilities
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape

7.4 Co-operation with neighbouring local planning authorities has been on-going since 2014, but it is clear from the Planning Inspector's findings that it is now necessary to put in place formal mechanisms to consider strategic matters.

7.5 To assist with this, a formal Memorandum of Understanding (MoU) has been approved by all 5 South Essex local planning authorities and the County Council, which commits to;

- Engage constructively, actively and on an ongoing basis in relation to strategic planning matters under the "duty to co-operate";
- Ensure a broad and consistent approach to strategic planning and development issues in the South Essex Area;
- Support better alignment between strategic planning, infrastructure review and investment priorities in South Essex;
- Adhere to the governance structure set out in the MoU and ensure that activities are delivered and actions are taken as required;
- Be accountable in terms of role and responsibilities as set out in the MoU;
- Be open and communicate about concerns, issues and opportunities in respect of collaboration and joint working;
- Act in a timely manner, recognising the time critical nature of consultations, technical projects and plan preparation;
- Adhere to statutory requirements. Comply with applicable laws and standards, data protection and freedom of information requirements;
- Encourage, develop and share best practice in terms of the "duty to co-operate" and strategic planning matters;
- Agreement on set outputs for delivery; and
- Ensure adequate resources and staffing are in place to undertake effective collaboration and joint working

- 7.6 Furthermore work has now commenced on a non-statutory joint strategic planning framework for South Essex. This would describe the strategic context for South Essex and propose a strategic approach to address the development and infrastructure necessary in the area.
- 7.7 Castle Point should continue to engage in a constructive and effective way and on an ongoing basis with this work. It should then allow for a much more robust series of strategic policies to be developed in accordance with the “duty to co-operate”.
- 7.8 Alongside this work it is necessary for the Council to consider how to take forward plan-making at a borough-wide level, in the light of these new circumstances.
- 7.9 It is recommended that a further report is presented to Council in due course which reviews the process of evidence assessment and policy formulation and appropriate opportunities for Member engagement.
- 7.10 The Council is also required to prepare and publish an up-to-date Local Development Scheme which sets out its timetable for preparing local planning policy documents including a local plan. The Local Development Scheme from 2016 is now out of date given the findings of the Planning Inspector regarding the New Local Plan 2016.
- 7.11 Furthermore the current Neighbourhood Planning Bill, and more recently the Housing White Paper are likely to bring forward some changes to the scope and content of local development schemes. It is therefore recommended that the further report referred to above also brings forward a new Local Development Scheme to take effect from 2017. This would commit the Council to continue to work with neighbouring planning authorities on a non-statutory strategic planning framework for South Essex, and also set out whether any local supplementary planning documents may be necessary.

8. Corporate Implications

(a) Financial Implications

- 8.1 The Council is advised that the examination of the New Local Plan 2016 was undertaken by the Planning Inspectorate, but at cost to the Council in terms of the Planning Inspector’s time and the Programme Officer’s time. The cost of this work was included in the Local Development Scheme 2016 agreed by Council in March 2016.
- 8.2 Future planning policy work would be described in any new Local Development Scheme with estimated costs.

(b) Legal Implications

- 8.3 The withdrawal of the New Local Plan will mean that the Council will now continue to use of the Adopted Local Plan 1998, supplementary planning

documents and the NPPF for the control of development. No aspects of the New Local Plan may be saved.

(c) Human Resources and Equality Implications

Human Resources

- 8.4 There are no human resources implications associated with the recommendations in this report.

Equality Implications

- 8.5 The equality implications associated with the recommendations in this report are not significant to the decision to be taken: the Equality Impact Assessment of the New Local Plan 2016 found that the Objectives and Policies of the New Local Plan met the socio-economic and single (integrated) equality duties of the Equalities Act 2010.

(d) IT and Asset Management Implications

- 8.6 There are no asset management implications in this report.

9. Timescale for implementation and Risk Factors

- 9.1 Government advice is clear that where a plan has been found to be unsatisfactory it should be withdrawn as quickly as possible. To delay such a decision creates the risk of uncertainty and confusion regarding the appropriate planning framework for an area. A Council decision that the New Local Plan 2016 should be withdrawn would be acted on promptly to reduce those risks.
- 9.2 The Council will continue to engage constructively and effectively with its neighbours as required by Government advice to put in place a non-statutory strategic planning framework for South Essex. No definitive timeframe has yet been agreed for this work but it is likely to take in the order of two years.
- 9.3 Simultaneously the Council can begin to work on a review of its plan-making processes and timetable which would form a new Local Development Scheme.
- 9.4 The risks to the Council are that no up-to-date local planning framework will be in place for at least two years. The first risk is that the Government has previously made clear that it expected plans to be in place by early 2017. The second risk is that any planning applications for proposed development which come forward in that time are likely to be assessed against national rather local policy. However there are no other options open to the Council involving less risk.

Background Papers

Letters from Planning Inspector dated 22.09.16, 19.10.16 and 05.01.17
Report from Planning Inspector dated 10.03.17



The Planning Inspectorate

Report to Castle Point Borough Council

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 10 March 2017

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Castle Point New Local Plan 2016

The Plan was submitted for examination on 25 August 2016

The examination hearing was held on 12 December 2016

File Ref: PINS/M1520/429/5

Non-Technical Summary

This report concludes that duty to co-operate has not been complied with and recommends non-adoption of the New Local Plan under Section 20(7A) of the Planning & Compulsory Purchase Act 2004 (as amended).

Assessment of Duty to Co-operate

Introduction

1. Section 20(5)(c) of the Planning & Compulsory Purchase Act 2004 (as amended) requires that I consider whether the Council has complied with any duty imposed on it by section 33A in respect of the preparation of the New Local Plan. Section 20(7)(b)(ii) establishes that I should consider whether, in all the circumstances, it would be reasonable to conclude that the Council has complied with the duty
2. I raised initial concerns about whether the duty to co-operate (DtC) had been met in my letter of 22 September 2016 which also posed a number of questions (IE/002). The Council responded on 14 October 2106 (IE/003) and also to my supplementary questions (IE/007). The hearing on 12 December 2016 was attended by the neighbouring authorities of Thurrock, Basildon, Rochford and Southend-on-Sea as well as Essex County Council.
3. My letter of 5 January 2017 (IE/018) indicated that my final conclusion was that the duty had not been complied with and in accordance with the Planning Practice Guidance advised that the New Local Plan be withdrawn. However, the Council has specifically requested that I prepare this report.
4. I shall not repeat the contents of my 5 January letter concerning the background to the duty, preparation of the New Local Plan, preliminary observations on other matters or findings in relation to transport. Rather these should be read in conjunction with this report which will only deal with the strategic matters of housing and gypsies and travellers where I find failings in meeting the duty. The report will almost exactly replicate my letter except in paragraph 11 where I have given further clarification.

Has The Duty Been Complied With?

5. In deciding whether it would be reasonable to conclude that the duty has been complied with I shall give particular attention to whether DtC engagement maximised plan preparation effectiveness, what have been its outcomes and whether effective and deliverable strategic planning policies have been produced. The Planning Practice Guidance (PPG) refers specifically to maximising the effectiveness of policies for strategic matters in local plans (ID 9-002-20150306). In assessing whether the duty has been met it is also pertinent to have regard to the relevant planning context.

Housing

6. The New Local Plan is based on an objectively assessed need for housing of 400 dwellings per annum. Paragraph 13.22 recognises that the target for new homes does not equate with this but it reflects the capacity of the Borough to accommodate growth. A subsequent updated Strategic Housing Market Assessment (SHMA) in May 2016 gives a range for objectively assessed need of between 326-410 dwellings per annum. Be that as it may the draft New Local Plan proceeded on the basis of providing 200 dwellings per annum but this was reduced to 100 dwellings after the failure of the Task and Finish Group to reach agreement on the release of Green Belt land for housing in November 2015.

7. The Council maintains that from 2008 engagement has been effective in providing a clear and robust joint evidence base regarding population and housing matters. In turn this has led to a range of policies which are based on the National Planning Policy Framework (NPPF) and PPG and which reflect the needs of the community in Castle Point. In particular, it draws attention to the great importance attached to Green Belts in the NPPF and the further advice in the PPG that Green Belts may restrain the ability of an authority to meet its full housing needs. As far as the Council is concerned no amount of further conversations would have altered the difficulties in meeting its objectively assessed needs within its boundaries.
8. There is no doubt that the Council has made clear for some time that the ability to deliver new housing would be restricted due, in its view, to the physical constraints of the Borough. This can be traced back to the Housing Capacity Topic Paper of 2013 (CP/14/007) and also featured in the consultation on the draft New Local Plan. The Council maintains that the eventual decision to reduce the housing target to 100 dwellings per annum in March 2016 confirmed previous indications. However, there were no formal meetings with other authorities to discuss the actual level of housing proposed in the New Local Plan.
9. The questions of whether the strategy for housing is the most appropriate one and therefore justified and whether it is consistent with national policy, including paragraph 14 of the NPPF, are soundness ones. However, paragraph 179 of the NPPF provides that:

Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework.

10. This is precisely the situation in Castle Point. Indeed, the officer report of July 2014 which set out the full document representations on the draft New Local Plan (CP/05/008) includes the following as an action point:

Given that the Council has not been able to identify a sufficient supply of housing to meet its objectively assessed needs, it is also necessary to engage with neighbouring authorities under the auspices of the Duty to Cooperate in order to determine how the objectively assessed need for housing, and other strategic matters, will be addressed within the housing market area.

11. However, notwithstanding the lengthy and detailed engagement across south Essex there is no formal mechanism in place to distribute unmet housing need. In order to comply with the duty there is no requirement for there to be agreement about how this should be done. The outcome of joint working in this respect could take a variety of forms and it is not for me to say what they should be. Nevertheless, the position is that there is simply nothing in the New Local Plan to indicate how the unmet need for housing will be tackled. This is because the authorities have not yet deliberated about the matter in any meaningful way. Therefore the question of how the objectively assessed need will be addressed, as raised by officers in 2014, has not been adequately grappled with.

12. The Council is now anxious to ensure that the delivery of its objectively assessed needs is addressed with neighbouring authorities and intends to play a full and active part through the various DtC mechanisms that are now operating. There is no reason to doubt this but a failure to demonstrate compliance cannot be corrected after submission (PPG ID 9-018-20140306). The resolution at Ordinary Council to approve the New Local Plan includes a clause that to fulfil the duty to cooperate further work should be undertaken as necessary. Between then and the date of submission a workshop was held in May 2016 to explain the Council's position and the SHMA was published. But neither these nor other on-going contact with neighbouring authorities established how the question of unmet need for housing was to be dealt with.
13. Indeed, the impression gained is that the Council believed that continuing activities under the DtC would enable the issue of outstanding housing need to be 'fixed'. However, that is looking at things the wrong way round. Rather engagement under DtC should seek to bring about the outcome set out in paragraph 179 of the NPPF. There is no duty to agree (PPG ID 9-003-20140306). However, whilst it might be firmly in view now, there is no clear evidence that consideration of this admittedly difficult issue was attempted as part of the preparation of the New Local Plan. Within that process it has been treated as an 'afterthought'.
14. There is also no evidence that the decision to reduce the housing target by 50% from the draft to the New Local Plan took any account of the consequent implications for provision elsewhere. The NPPF expects that the full objectively assessed needs for market and affordable housing in the housing market area should be met, as far as is consistent with the policies in it. Whilst the Council is entitled to set its own housing target joint working should be undertaken for the mutual benefit of neighbouring authorities. Given that the 5 south Essex authorities comprise a single housing market area it is difficult to see how this was achieved by a late decision to significantly reduce housing numbers.
15. Indeed, all the indications are that in this respect the Council decided to 'plough its own furrow'. Failing to address the wider impact of its 'last minute' decision to lower the housing target by a considerable amount is the very opposite of cooperation in plan preparation. The Council did not pay sufficient attention to its obligations under the duty. This is exacerbated by the knowledge that its neighbours are affected by similar constraints and may also find it difficult to meet their own objectively assessed needs. Whilst this has not been finalised it should have been obvious to the Council that similar challenges will exist elsewhere. These have not been properly considered.
16. Therefore the Council fell well short of making every effort to secure the necessary cooperation on the strategic cross-boundary matter of housing before submitting the New Local Plan for examination. The engagement undertaken as part of its preparation was fundamentally flawed.

Gypsies and travellers

17. The New Local Plan contains a criteria based policy (TS1) to apply when proposals for gypsy and traveller accommodation come forward. However, the issue of unmet need for traveller sites in south Essex was flagged up by

Basildon in 2012 and 2014 as part of the earlier consultation process. This is not acknowledged by the Plan itself.

18. Nevertheless, the Consultation Statement (CP/05/013) of August 2016 refers to the likely difficulties in both Basildon and Thurrock in meeting their significant needs for such accommodation. However, the view expressed by the Council is that site identification in Castle Point would be a disproportionate response in a Borough with significant environmental constraints. Prior to that in 2014 the Council considered (CP/05/006) that given the limited local requirement, seeking to identify traveller sites would be an excessive action and would delay progress.
19. The current position is that the Gypsy and Traveller Accommodation Assessment of 2014 is based on the previous definitions in the Planning Policy for Traveller Sites (PPTS). These were revised in August 2015. As a result new site survey work is underway and the current level of need for sites is not quantifiable. Furthermore, since 2014 permission has been granted for 5 pitches in the Borough thereby addressing the need identified in the 2014 Assessment.
20. Gypsy sites in Basildon have come to national attention. Paragraph 12 of the PPTS was introduced in 2015 and confirms that where an authority has had a large-scale unauthorised site there is no assumption that traveller needs should be met in full. Basildon advised at the hearing that it has been seeking assistance from others in providing 136 pitches. In the light of the revised assessment this figure may reduce but it is so large that, even then, a need for pitches elsewhere is almost bound to remain.
21. There is nevertheless a slight state of flux which might hamper coherent joint working if plan preparation were commencing now. However, that is not the case. Looking back to 2011 it is evident that the need for traveller sites has been consistently raised by neighbouring authorities but that the Council has not made every effort to cooperate by, for example, undertaking a site search or a call for sites. At the hearing it was acknowledged that the approach at Castle Point had not been as rigorous or thorough as at Basildon. Of course, offering assistance with sites will not be easy and local planning authorities are not obliged to accept the unmet needs of others if they have robust evidence that it would be inconsistent with policies in the NPPF such as those on Green Belt. The Council may well contend that such circumstances obtain in Castle Point but the indications are that this has not been seriously contemplated.
22. Whilst the Borough may not hold all or any of the answers to the shortage of pitches in Basildon it should attempt to play its part. Ultimately it might be that providing more traveller sites in Castle Point is not the best planned solution but there is a duty on the Council to try. In preparing the New Local Plan it simply has not done enough in this respect and there has been a DtC failing.

Overall Conclusion and Recommendation

23. The housing policies of the New Local Plan have failed to address how unmet need will be dealt with across the housing market area. This is exacerbated by the lack of consideration of this matter when reducing the housing target

by 50%. Whether these policies are justified is a matter of soundness. However, there have been fundamental shortcomings in the steps taken, or not taken, to secure the necessary cooperation on the strategic cross-boundary matter of housing. In addition, the Council has not made every effort to consider how it might deal with the significant unmet need for traveller sites in south Essex arising, in particular, from Basildon.

24. Therefore my overall conclusion is that the duty to co-operate has not been complied with for the reasons set out above. Therefore, in accordance with Section 20(7A) of the 2004 Act, I recommend non-adoption of the New Local Plan as submitted.

David Smith

INSPECTOR

ORDINARY COUNCIL

29th March 2016

Subject: Notices of Motion

1. Purpose of Report

To present to Council Notices of Motion received for consideration at this meeting.

1. Councillor MacLean has given notice of the following:

Castle Point Borough Council applauds and recognises the efforts of the business community, residents and places of worship within Thundersley Village who have hosted a number of fundraising projects during 2016 under the umbrella of Thundersley Town Team resulting in increased good will and sense of the community in Thundersley

The Motion is to be seconded by Councillor Mrs Egan.

2. Councillor Hurrell has given notice of the following:

“To conduct an in-depth review of this Council’s system of governance and to diligently explore alternative systems available to local councils”

The Motion is to be seconded by Councillor Anderson.
