



Council Offices, Kiln Road,
Thundersley, Benfleet,
Essex SS7 1TF.
Tel. No: 01268 882200
Fax No: 01268 882455



David Marchant LLB (Hons) BSc (Hons) CEng FICE FCMI
Chief Executive

CABINET AGENDA

Date: Wednesday 16th September 2020

Time: 6.00pm NB Time

Venue: NB Remote Microsoft Teams

This meeting will be webcast live on the internet.

Membership:

Councillor Smith	Chairman - Leader of the Council
Councillor Stanley	Special Projects – Deputy Leader of the Council
Councillor Mrs Egan	Place - Housing
Councillor Hart	Place – Infrastructure
Councillor Isaacs	People – Community
Councillor Johnson	People – Health & Wellbeing
Councillor MacLean	Growth – Strategic Planning
Councillor Sheldon	Environment
Councillor Mrs Thornton	Economic Development Delivery
Councillor Varker	Resources

Cabinet Enquiries:

**Ann Horgan ext. 2413
ahorgan@castlepoint.gov.uk**

Reference:

3/2020/2021

Publication Date:

Tuesday 8th September 2020

AGENDA
PART I
(Business to be taken in public)

- 1. Apologies**
- 2. Members' Interests**
- 3. Minutes**
To approve the Minutes of the meeting held on 22nd July 2020.
- 4. Forward Plan**
To review the Forward Plan.
- 5. Planning Policy Update: Changes to Current Planning System – Consultation on Changes to Planning Policy and Regulations**
(Report of the Cabinet Member for Growth Strategic Planning)
- 6. East Coast Recreational Disturbance Avoidance & Migration Strategy (RAMS) Supplementary Planning Document:**
(Report of the Cabinet Member for Growth Strategic Planning)
- 7. Getting Building Funding - Labworth Car Park**
(Report of the Cabinet Member for Special Projects Cabinet Member for Growth Strategic, Cabinet Member for Planning Place – Infrastructure,)
- 8. Authority to Represent the Council**
(Report of the Cabinet Member Resources)
- 9. Corporate Performance Scorecard Quarter 1 2020/21**
(Report of the Cabinet Member Resources)
- 10. Financial Update and Covid 19 Government Assistance**
(Report of the Cabinet Member Resources)
- 11. Arrangements for Disposal of Non-Recyclable Waste**
(Report of the Cabinet Member Environment)
- 12. Matters to be referred from /to Policy & Scrutiny Committees**
Report back from Environment PSC held on 25.8.2020 – Climate Change and Carbon Reduction
- 13. Matters to be referred from /to the Standing Committees**

PART II
(Business to be taken in private)
(Item to be considered with the press and public excluded from the meeting)

There are no matters

**INFORMAL
CABINET SESSION**

**All Councillors are welcome to take part in this informal question time session
with Cabinet at the end of the meeting**



CABINET



22ND JULY 2020

PRESENT:

Councillor Smith
Councillor Stanley
Councillor Mrs Egan
Councillor Hart
Councillor Isaacs
Councillor Johnson
Councillor MacLean
Councillor Sheldon
Councillor Mrs Thornton
Councillor Varker

Chairman – Leader of the Council
Special Projects – Deputy Leader of the Council
Place – Housing
Place – Infrastructure
People – Community
People – Health & Wellbeing
Growth- Strategic Planning
Environment
Economic Development Delivery
Resources

ALSO PRESENT:

Councillors: Acott, Blackwell, Egan, Fuller, Mumford, Skipp and Walter.
At the commencement of the meeting the Leader reported the recent death of Freeman of the Borough and former Councillor Ron Williams who was Chairman of Castle Point District Council between 1973 - 1974 and 1980 – 1981. Formal tribute to Ron Williams would be paid when Full Council meetings were resumed in the Council Chamber.

106. MEMBERS' INTERESTS:

No declarations were made.

107. MINUTES:

The Minutes of the Cabinet meeting held on 18.3.2020 were approved as a correct record.

108. FORWARD PLAN:

To comply with regulations under the Localism Act 2011, the Leader presented a revised Forward Plan to the meeting which outlined key decisions likely to be taken within the next quarter of 2020. The Plan was reviewed each month.

Resolved – To note and approve the Forward Plan.

109. FINANCIAL UPDATE

Cabinet considered a report providing Cabinet with the latest Medium-term Financial Forecast (MTFF) in respect of the General Fund and updating Cabinet on developments of a financial nature which might impact on the Council's

financial plans in respect of either the General Fund, Housing Revenue Account (HRA) or Capital Programme.

Resolved: To note the content of the report.

110. COVID 19 - RECOVERY: PAVEMENT PERMIT LICENSING POLICY

Cabinet considered a report informing the Cabinet of proposals contained in the Business and Planning Bill and presenting the Pavement Permit Licensing Policy.

Resolved:

1. To note the content of this Report.
2. To approve the Pavement Permit Licensing Policy.

111. ASSOCIATION OF SOUTH ESSEX LOCAL AUTHORITIES (ASELA) UPDATE

Cabinet considered a report from ASELA providing an update on work it had recently undertaken and its planned engagement with Central Government over the next few months and the recommendations to Partner Authorities. Discussion took place.

Resolved: In noting the report from ASELA:

1. To note ASELA's intention to immediately engage with Central Government ahead of the autumn Spending Review, regarding the economic agenda for the South Essex region, how it can deliver new jobs, new transport infrastructure, new homes, and the future governance arrangements to deliver better outcomes for its existing, and new, residents and businesses as set out in the 'Growth and Recovery Prospectus 2020' at Enclosure No. 2;
2. To note the work commenced by ASELA to begin to consider and explore the most appropriate and effective future governance arrangements to realise South Essex's full economic and social potential and shared ambitions as set out in the independent Review of Governance in South Essex at Enclosure No. 3. This report does not seek approval or endorsement of any specific governance proposals; and
3. To note that a further report will be presented later in the calendar year to provide an update on the outcome of the discussions with Central Government and any proposals for more formal interim governance arrangements for ASELA to ensure transparency and accountability.

112. CORPORATE PERFORMANCE SCORECARD QUARTER 4 2019/20

Cabinet considered a report setting out the performance figures for the Corporate Performance Scorecard for Quarter 4 2019/20. Cabinet considered the proposed indicators for performance monitoring for this financial year 2020/21. Cabinet felt that the indicator regarding building control should be retained and that an indicator should be included to monitor vacant plots within council-controlled allotments.

Resolved:

1. To note the report and continue to monitor performance.

2. To agree the proposed indicators for performance monitoring for this financial year as set out in Appendix and amended at the meeting.

113. FOOD SERVICE PLAN AND HEALTH AN114D SAFETY SERVICE PLAN 2020/21

Cabinet considered a report seeking approval of the Food Service Plan and Health & Safety Service Plan 2020/21.

Cabinet was also informed of the additional work currently being completed by the Environmental Health Service regarding protection of the public during the COVID-19 pandemic.

Resolved:

1. To approve the Food Service Plan & Health and Safety Service Plan for 2020/21
2. To note the additional work currently being completed by the Environmental Health Service regarding protection of the public during the COVID-19 pandemic.

114. CASTLE POINT BOROUGH COUNCIL RESPONSE TO CONSULTATION TO THE EXTEND THE PUBLIC SPACES PROTECTION ORDER – (CASTLE POINT BOROUGH COUNCIL) 2017 – DOG FOULING.

Cabinet considered a report seeking approval to extend the Public Spaces Protection Order – (Castle Point Borough Council) 2017 – Dog Fouling for a further three years.

Resolved: To note the responses to the consultation and approve the extension of the Borough- wide Public Spaces Protection Order for a further three years.

115. PLANNING IMPROVEMENT PEER CHALLENGE – REPORT OF THE PEER CHALLENGE FRAMEWORK DELIVERY GROUP

Cabinet received a report on the work undertaken to implement the recommendations and actions arising from the Planning Improvement Peer Challenge undertaken by Local Government Association (LGA) in co-operation with the Planning Advisory Service (PAS).

The report before the Cabinet contained a report of the Peer Challenge Framework Group which had been presented with the following:

1. Revised Updated Action Plan (to reflect the work undertaken)
2. Council Decision Framework
3. Local Plan Delivery Board
4. Development Management Committee Handbook

The new Local Plan Delivery Board and the Development Management Committee Handbook were presented to be considered together and not in isolation. Both compliment and supported each other as they described a new, open and transparent way of delivering development within the Borough. Both sets of documents had been considered and endorsed by the Planning Advisory

Service and the Peer team and reflected the recommendations made in the Peer Challenge Report.

The Working Party were keen that action should be taken to move forward to progress arrangements to implement the recommendations from the Peer Challenge. A number of issues were raised at the Working Party which had been reviewed and revisions have been made to the papers which were presented to Cabinet.

The Action Plan identifies the actions required to implement recommendations from the Peer Challenge report. This included actions to reconstitute the Development Control Committee in line with the PAS 10 characteristics of a good Planning Committee. There was no appointment of a vice – chairman of committee. Arrangements for the reconstituted Committee – Development Management Committee were encompassed in the Development Management Committee Handbook. Issues raised at the Working Party regarding the use of substitutes have been revised. Revisions had been made to voting procedures for the committee. An additional action had been identified to include arrangements for a review following the committee meeting.

The Local Plan Delivery Board document set out the arrangements for the Board which provides Members with the vehicle to be involved in the delivery of the local plan, master planning and essential infrastructure. The Working Party's changes to the membership arrangements have been incorporated.

The Development Management Committee Handbook draws together in a cohesive document the arrangements for the reconstituted Development Management Committee including appointment of the committee, membership, skills, training provision, behaviours, detailed process and procedures. The handbook had been produced to provide the basic information on the workings of the Development Management Committee so that members of the committee and those wishing to follow the workings of the Committee, or participate in the planning process, would know what to expect.

Cabinet was reminded that the processes and procedures were not new but have been adjusted to improve transparency of decision making and provide confidence in decision making.

The Working Party's changes have been incorporated into the Handbook and were set out in the report covering Membership; Substitutes; voting arrangements; deferrals and review arrangements.

In responding to a question on the current delegation of applications concerning members to committee, the Leader replied that the new arrangements were to be reviewed and adjustments would be made as required.

Resolved: To approve the changes set out in the report at Sections 7, 8, 9 & 10 as summarised above and approve the following to implement the recommendations of the Peer Challenge Report:

1. To note the progress on implementing the Local Plan and Development Management Committee Action Plan and approve the revised actions.
2. To approve the arrangements for Local Plan Delivery Board.
3. To refer to the next meeting of the Council to appoint the Local Plan Delivery Board and Development Management Committee.
4. To approve the Development Management Committee Handbook as amended.
5. That the Peer Challenge Framework Delivery Group (Working Party) be asked to conduct a review in twelve months of the arrangements for the local plan Delivery Board and the Development Management Committee, to identify any further adjustments, or improvement to improve compliance with the recommendations of the Peer Challenge report, to demonstrate to Government and other agencies monitoring the Council that the Committee is fit for purpose.

116. INFORMATION TECHNOLOGY (IT) SERVICES CONTRACT – OUTCOME OF RECENT PROCUREMENT EXERCISE

Cabinet considered a report on the outcome of the recently completed tender exercise in respect of the Council's IT Services contract which was due to end on 31st March 2021. Details of the evaluation of the bid were contained in a confidential appendix to the report. Cabinet was also asked to authorise the award of a new IT services contract effective from 1st April 2021.

Resolved:

1. To note the procurement process that had been undertaken; and
2. To note the outcome of the evaluation of the bids; and
3. Subject to compliance with the Standstill Period and no legal challenge being received, to agree to award the contract for IT Services to Bramble Hub Limited, commencing from 1st April 2021 for an initial period of four years, extended by a further year subject to satisfactory performance.

117. MATTERS TO BE REFERRED FROM / TO POLICY & SCRUTINY COMMITTEES

There were no matters.

118. MATTERS TO BE REFERRED FROM / TO THE STANDING COMMITTEES

There were no matters.

Chairman



Castle Point Borough Council

Forward Plan

SEPTEMBER 2020

CASTLE POINT BOROUGH COUNCIL

FORWARD PLAN

SEPTEMBER 2020

This document gives details of the key decisions that are likely to be taken. A key decision is defined as a decision which is likely:-

- (a) Subject of course to compliance with the financial regulations, to result in the local authority incurring expenditure which is, or the savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates subject to a threshold of £100,000; or
- (b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

The Forward Plan is a working document which is updated continual

Date	<u>Item</u>	Council Priority	Decision by Council/ Cabinet	Lead Member(s)	Lead Officer(s)
August/2020 September	<u>Environmental Initiatives</u>	Environment	Cabinet	Environment	Head of Environment
September 2020	<u>Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Rams)</u> <u>Draft Supplementary Planning Document – approval</u>	Housing and Regeneration	Cabinet/ Council	Leader Growth – Strategic Planning	Head of Place & Policy
September/ October 2020	<u>Planning Policy Update - approval</u>	Housing and Regeneration	Cabinet	Growth – Strategic Planning	Head of Place & Policy
September 2020	<u>Labworth Car Park</u>	Housing and Regeneration	Cabinet	Place – Infrastructure	Head of Environment
October 2020	<u>Housing Proposals</u>	Housing and Regeneration	Cabinet	Resources	Head of Housing
October 2020/ February 2021	<u>Budget and Policy Framework</u> To make recommendations to Council on the Council tax and budget setting.	All	Cabinet/ Council	Finance, Policy & Resources	Strategic Director (Resources)

CABINET

16th September 2020

Subject: Planning Policy Update - Changes to the current Planning System - Consultation on Changes to Planning Policy and Regulations
Cabinet Member: Councillor MacLean – Growth-Strategic Planning

1. Purpose of Report

To advise Cabinet of the current consultation being undertaken by Government in respect of proposed changes to the current planning system and to seek the Cabinet's views on those proposed changes, to inform Government in the adoption of a revised planning system.

Response to the consultation are required by 1st October 2020.

2. Links to Council's priorities and objectives

Housing and Regeneration - the proposed changes to legislation seek to improve the provision of, and access to, affordable housing, necessary to support a growing community and ensure communities are diverse and good quality affordable housing is provided within both the rental and market housing sectors.

3. Recommendation

- 1. That the Cabinet adopts the proposed recommendations as set out in this Report.**
 - 2. That Cabinet approve the actions set out in the conclusion that the Cabinet's views together with the comments outlined in this report be brought together in a single response to the Consultation, the final draft to be approved by the Chief Executive and / or Head of Place and Policy in consultation with the Cabinet Member for Strategic Planning and the Leader of the Council.**
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Introduction

The Government White Paper, 'Planning for the Future' identifies a fundamental reform of the planning system and explains that this would be accompanied by shorter-term (interim) measures. A report will be made to the October Cabinet meeting on the

White Paper. This report deals with the proposed interim measures proposed within the consultation document: 'Changes to the current planning system' which are:

1. changes to the standard method for assessing local housing need,
2. the securing of First Homes,
3. supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing
4. extending the current Permission in Principle to major development.

The Changes to the Current Planning System document explains in detail the various elements of the proposed changes and at the end of each element seeks answers to a number of questions.

This report summarises the provisions of the consultation document and will suggest responses to the questions for Members consideration.

Response to this consultation is required by 1 October 2020.

1. Changes to the standard method for assessing local housing need

Since September 2018, a Standard Methodology has been used to determine local housing need. For Castle Point the Standard Methodology identified a target of 342 dwellings per annum or 5,130 dwellings for the Plan period. The emerging Local Plan has embraced the methodology and has been drafted to identify sufficient land to accommodate 5,284 dwellings over the Plan period (352 dwellings per annum).

The Standard Methodology however, has been criticised for being based on 2014 data and its reliance on projecting historic household formation rates forward. It is argued in the consultation document that these factors have resulted in an underestimation of housing need, particularly in areas where the formation of new households has potentially been suppressed by a lack of affordability and where significant new investment has created new markets for housing which cannot be met because of the under-allocation of land, arising from reliance on historic trends.

In Paragraph 17 of the consultation paper, the Government state that the proposed changes *'include ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where they are least affordable.'*

In order to do this a new two-step Methodology which seeks to address criticisms of the previous methodology is therefore proposed.

Step 1

The New Methodology remains rooted in household projections, which are seen as the most robust estimates of future growth trends. However, under the New Methodology this data will be used as a supplement to consideration of the existing

housing stock, which is identified as a stable, tangible and easily counted element of the housing market.

It is proposed to establish a baseline housing figure by identifying current housing stock within an authority's area and applying a multiplier, currently proposed as 0.5 % of the existing housing stock, to determine a housing figure. This would then be compared to the latest projected average annual household growth over a ten year period. Whichever is the higher of the two figures would be adopted as the Baseline housing need figure.

It is stated that this methodology will allow areas that experience significant increases in projections compared to existing stock to plan for the homes they may need as a result of recent trends.

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

Comment

The Government have linked the proposed approach to the latest Housing Projections. These are the 2018 projections published earlier this year. As of 2020 there were, as set out in the projections, 37,306 dwellings in the Borough. This is due to rise to 38,669 by 2030, an increase of 1,363 or 136 per annum.

However, 0.5% of the housing stock, based on the 2020 figure in the 2018 Household Projects is 186 dwelling per annum.

Therefore, it will be the latter figure which would be used as the baseline for Castle Point.

Whilst, as the Government argues, this does provide stability as it does not vary significantly, on its own it does not take account of other factors such as demographics, concealed households, affordability, and, in and out of borough migration, all of which contribute to demand.

Furthermore, the use of an arbitrary assessment is not considered robust enough and household projections should remain the preferred base. This is to avoid the possibility of future oversupply in areas with a large stock but lower demand.

Whilst the White Paper does refer to the operation of constraints in the provision of development, there is no such reference in the interim measures, which suggests that such constraints may not be applied in the early period of operation.

In a borough such as Castle Point where significant constraints such as Green Belt and Flood Risk apply, the capacity to accommodate the new methodology in full may be prejudiced.

Recommendation

That MHCLG be advised that this Authority does not consider that a robust rationale of 0.5% of existing stock has been provided.

Step 2

Having established the baseline under Step 1, it is proposed that this should be adjusted to reflect affordability. This will be achieved by the application of a defined formula which initially compares the local median house prices to median workplace based earnings (part 1) then compares that figure (expressed as a ratio) with an assessment of how affordability has changed over the past ten years (part 2). This is being expressed as:

$$\begin{aligned} \text{Adjustment Factor} &= \left[\left(\left(\frac{\text{Local affordability ratio}_{t=0} - 4}{4} \right) \times 0.25 \right) \right. \\ &\quad \left. + \left((\text{Local affordability ratio}_{t=0} - \text{Local affordability ratio}_{t=-10}) \times 0.25 \right) \right] \\ &\quad + 1 \end{aligned}$$

Where $t = 0$ is current year and $t = -10$ is 10 years back.

It is considered that high house prices indicate an imbalance between the supply and demand for new homes and that the lack of affordability of homes is the best evidence that supply is not keeping up with demand. Consequently, the higher the ratio between house prices and wages, (i.e. the less affordable housing is), the greater will be the affordable housing needs figure identified in order to balance supply and demand. The Government had considered using residence based earnings (the average earnings of people living in an area) rather than workplace based earnings (the average of those working in an area) but decided to retain the workplace based earnings figure as per the standard methodology.

Where it can be demonstrated that affordability is not an issue and that supply and demand are balanced, the affordable housing needs figure may be reduced.

Unlike the previous method, the new standard method does not have a cap applied to limit the level of increase for individual authorities. The Government is clear that in order to significantly boost the supply of homes and address the past undersupply as quickly as possible, a step change is needed. Capping the level of need is not compatible with this aim. In no longer applying a cap, the resultant housing need is the level of need that authorities should be planning to release land for, according to their specific circumstances.

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

Comment

In order to provide the clearest indication of affordability, residence based earnings are more robust. These better reflect the earnings of those living in an area. In the case of Castle Point with a relatively small local employment base compared with out commuting, it can sway the affordability of properties.

According to NOMIS, in 2019 the average Place of Work earnings was £541.50 per week (£28,158 pa). This compares with £610.70 per week (£31,756.40 pa) for residence earnings. When a multiple of 4 (which is used by mortgage providers) this results in an affordable housing threshold of up to £112,632 plus deposit based on workplace earnings, and £127,025.60 plus deposit based on residence earnings a difference of £14,393.6 or 12.7%.

Therefore, the level of need based on workplace earnings in Castle Point is higher than based on residence earnings. This increases the overall needs assessment.

However equating affordability simply to availability is somewhat simplistic. There are many reasons why house prices may be high. Dwellings in proximity to particular features such as transport hubs or attractive open spaces can command higher prices because that is what purchasers are willing to pay. In addition, the supply of new homes should match the needs of the borough, which the local plan is seeking to do, delivering a wide range of housing types, size and tenures, rather than a focus on products that developers know they can sell.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

Comment

An adjustment for the change in affordability is not necessary to determine whether affordability has improved. That can be done now. Evidence shows that within Castle Point, lack of affordability is growing.

Whilst consideration of affordability over a period will allow consideration of whether the affordability of dwellings has improved over that period, unless the affordability adjustment is 'ring-fenced' to provide affordable housing only, there is a danger that the additional capacity provided will simply be used to provide more market (non affordable) housing.

Affordability relies on more than the identification of greater areas of land for housing. The willingness of developers to provide greater numbers of dwellings, (which will inevitably depress prices), improved funding for social landlords and the willingness of financial institutions to offer affordable mortgages and less onerous deposit requirements must also be engaged.

Recommendation

That MHCLG be advised that this Authority does not consider that incorporating an adjustment for the change of affordability over 10 years will provide new evidence in respect of affordability.

Furthermore, it is not considered that the allocation of further land alone will meet the need for affordable housing. Further action is required to encourage developers to provide greater numbers of dwellings, of the right type, improve funding for social landlords and encourage financial institutions to offer affordable mortgages and less onerous deposit requirements.

Other Comments

The housing figure derived from the 2 stage calculation currently gives no consideration to constraints.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

Affordability is a significant issue in the borough and it is given significant consideration in the new method of calculation. However, whilst affordability is given weight, delivery is uncertain.

Concern is raised in respect of the removal of the cap and the requirement for authorities to release sufficient land to meet the authorities 'specific circumstances'. In boroughs such as Castle Point, a requirement to fully meet needs is likely to place the Green Belt and designated sites at risk.

Further the lack of consideration given to constraints such as flood risk is a significant cause for concern, as is the lack of consideration implied in respect of the provision of adequate infrastructure, (particularly the strategic highway network) to meet the needs of the proposed uncapped growth. In a borough such as Castle Point where significant constraints apply, in terms of the Green Belt, European designated sites and flood risk, implementation of an unconstrained methodology would prejudice these policy and natural features of the borough and could place residents at risk.

In addition, it is the experience of this authority that the availability of land and consents does not equate to the satisfaction of housing needs.

The Castle Point Housing Delivery Test 2018/2019 identifies that in 2017/2018 this authority was carrying unimplemented extant consents for some 282 dwellings.

In this same year the authority achieved only 65.5% of its housing delivery target of 249 dwellings.

This situation is repeated in many other authorities. The failure to achieve housing provision rests therefore not solely with the planning system, but also with the construction industry.

The constraining of the housing market by the non-implementation of extant consents inflates house prices.

Castle Point lies within the 'commuter belt' associated with London and this is reflected in the housing market. Ease of access to London by train is believed to inflate local house prices and influences the type of dwelling provided.

It should also be noted that most applications received are not focussed at the affordable market and few willingly include provision for affordable housing either on site or in the form of financial contributions to offsite provision.

Action to ensure that developers implement consents obtained speedily and submit applications which meet local needs must accompany any reform of the planning system.

Recommendation

That MHCLG be advised that this Authority is concerned that any proposal in respect of the removal of the cap and the requirement for authorities to release sufficient land to meet the authorities 'specific circumstances' is likely to place the Green Belt and designated sites at risk.

Further the lack of consideration given to constraints such as flood risk is a significant cause for concern, as is the lack of consideration implied in respect of the provision of adequate infrastructure, (particularly the strategic highway network) to meet the needs of the proposed uncapped growth.

In addition, it is the experience of this authority that the availability of land and consents does not equate to the satisfaction of housing needs.

Action is required to ensure that developers submit applications which meet local needs and implement consents obtained speedily.

The result of the New Standard Methodology

The Government considers that application of the New Standard Methodology identifies an annual need for at least 337,000 dwellings. 76% of these dwellings will be provided within the urban area and 141 Authorities will see an increase in the level of housing provision expected from them, including Castle Point, where it is currently estimated that an increase of 9% will be required. This equates to about 30 dwellings per annum or 450 over the 15-year lifetime of a local plan.

Transition

The Government is aware that changes to the calculation of housing need will have implications for Plans currently under preparation.

In order to limit the impact it is proposed that from the date of publication of the revised guidance, authorities which have already undertaken Regulation 19 consultation will be given six months to submit their Plan for examination.

Authorities which are about to undertake Regulation 19 consultation will be given a total of 9 months to submit.

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

The new Castle Point Local Plan is due to be submitted at the end of September. This will avoid any transitional arrangement.

Recommendation

That MHCLG be advised that this Authority considers that authorities should have regard to the revised standard method need figure, from the publication date of the revised guidance and supports the transition window for authorities that have reached the second stage of the strategic plan consultation process (Regulation 19).

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

If not, please explain why. Are there particular circumstances which need to be catered for?

Recommendation

That MHCLG be advised that this Authority supports the transition window for authorities that are close to publishing their second stage of the strategic plan consultation process (Regulation 19).

2. The securing of First Homes

In order to facilitate access to home ownership, the Government intends to set out in policy that in all cases where the Planning Authority seeks to secure affordable housing from development, a minimum of 25% of the units secured through developer contributions should be First Homes (Homes sold at a minimum of 30% below market value).

Initially these will be secured through section 106 planning obligations but, under proposed reforms, these would subsequently be secured through a new Infrastructure Levy.

Of the remaining 75% of affordable units achieved, 2 options are proposed:

Option 1

- (i) Where the 25% First Homes requirement replaces all of the homes offered as affordable ownership products, any rental products are then delivered in the same ratio as set out in the local plan policy.
- (ii) Where the 25% First Homes requirement does not replace all home ownership products, the remainder of the home ownership tenures are delivered, and the rental tenure mix is delivered in line with the proportions set out in the local authority plan policy. For instance, if a local plan policy requires 80% of units to be shared ownership and 20% to be social rent, a

policy compliant application would deliver 25% First Homes units, 55% shared ownership and 20% social rent.

This option is considered to give developers greater clarity on what constitutes a policy compliant development and is the Government's preferred option.

Option 2

A local authority and developer can negotiate the tenure mix for the remaining 75% of units.

Whilst recognising that this gives the Authority greater flexibility, it is the view of the Government that the negotiation associated with this option can lead to delay. It is not, therefore, the preferred option of Government.

If a local authority has an up-to-date policy on cash contributions in lieu of onsite contributions, policy compliant applications will be required to align with this approach.

Currently, sites or proposed developments that provide solely for Build to Rent homes are exempt from requirements to deliver affordable home ownership products. In line with existing policy, the Government is considering how to implement these exemptions with regards to First Homes.

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

- i) **Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.**
- ii) **Negotiation between a local authority and developer.**
- iii) **Other (please specify)**

With regards to current exemptions from delivery of affordable home ownership products:

Comment

Currently the majority of our affordable housing contributions are financial and tend to be used to build council (rented) housing.

The emerging Local Plan expresses a preference for 50% social or affordable rent and 50% intermediate housing (defined by the NPPF as homes for sale and rent provided at a cost above social rent, but below market levels). Within the emerging Local Plan, the intermediate housing is intended to assist first time buyers access the housing market.

Under the new regime this would need to be amended to 25% First Homes, 50% social or affordable rent and 25% intermediate housing, although it should be noted that authorities which submit their Local Plans for Examination within 6 months of this new policy being enacted will not need to reflect the First Homes policy requirements. It would however need to be accommodated in any future review of the Plan.

Notwithstanding this caveat, as our emerging Local Plan clearly identifies an evidenced need for the type of affordable housing sought and as the new regime strengthens the ability of the Authority to secure access to the housing market for first time buyers, Option 1 would appear to be the preferred option.

It does however mean that the number of properties available for rent could be reduced (because intermediate housing can be for sale OR rent and the provision of First Homes will be from the Intermediate element of the package), which could be a concern in a borough with a high demand for rented accommodation such as Castle Point. Rented accommodation could however still comprise some 75% of the product available. Any reduction in rented provision is unlikely therefore to be critical.

The ONS annually publishes ratios which measure the relationship between median house prices and earnings for people working in local authority areas. The PPG confirms that the latest such ratio – published in March 2020 – should be used to formulate the affordability adjustment, at Step 2 of the calculation.

For Castle Point the ratio median house prices and earnings for people working in local authority areas is 9.6.

This compares, across England to a ratio of just under 8.

Given the gap between income and house prices, there is concern that a reduction in market value of 30% would not make home ownership affordable for those on the lowest incomes.

It is considered that careful monitoring of the take up of First Homes should be undertaken in order to determine the appropriateness of the product to meet local housing needs and the opportunity provided for authorities to reduce the First Homes element of the affordable housing provision, should it be demonstrated that the product was not serving local needs.

Concern is also raised in respect of the ambiguity introduced by the use of the term ‘where appropriate’ in the text. Clarification of the application of this term is required. (i.e., whether or not it is intended to apply only in those cases where the need for affordable housing does not require the 25% First Home provision – this is not likely to be an issue for Castle Point where 110% of the current housing provision would need to be affordable housing to meet the identified need).

Recommendation

That MHCLG be advised that this Authority does not object to the proposed First Homes provisions and would favour Option 1 but would register concern that a 30% discount may be insufficient to extend home ownership to those on the lowest incomes.

It is considered that careful monitoring of the take up of First Homes should be undertaken in order to determine the appropriateness of the product to meet local housing needs and the opportunity provided for authorities to reduce the First Homes element of the affordable housing provision, should it be demonstrated that the product was not serving local needs.

Concern is also raised in respect of the ambiguity introduced by the use of the term 'where appropriate' in the text. Clarification of the application of this term is required.

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to this First Homes requirement?

Para 64 of the NPPF requires that within major developments, at least 10% of the homes should be available for affordable home ownership. Various exemptions to this requirement are identified, including sites which provide solely for Build to Rent and specialist housing provision (such as purpose built accommodation of the elderly or students). The rationale for these exemptions appears to be that the proposed development makes a social contribution to the housing market which negates any social contribution required by the authority.

As First Homes would also provide a social contribution to the housing market it would appear appropriate that they also benefit from the exemptions.

Recommendation:

That MHCLG be advised that this Authority considers that the exemptions from the requirement for affordable home ownership products be extended to First Homes.

Other comments

The current proposals require a minimum of 25% of the units secured through developer contributions to be First Homes.

There would appear to be a conflict between the proposed measures and the NPPF.

Para 64 is potentially more effective in achieving high numbers of dwellings suitable for affordable home ownership as it is derived from the total number of dwellings to be provided, not simply those achieved from contributions.

As a simple example:

A development of 50 dwellings on the Mainland generates a minimum requirement for 5 affordable home ownership properties under para 64.

Under the emerging Local Plan, on a site of 50 dwellings on the Mainland , 40% of homes would be required as affordable housing (20 dwellings). Of these under proposed changes, 25% would be required to be First Homes, or 5 dwellings.

This would achieve therefore the same minimum product as para 64 of the NPPF.

On Canvey Island, a development of 50 dwellings would also generate a minimum requirement for 5 affordable home ownership properties under para 64.

Under the emerging Local Plan, on a site of 50 dwellings on the Island, 15% of homes would be required as affordable housing (8 dwellings).

Applying para 64 of the NPPF, a minimum 5 of these 8 dwellings should be provided for affordable home ownership.

Under the proposed changes, 25% of the affordable housing contribution would be required to be First Homes. This equates to 2 dwellings.

The opportunity for affordable home ownership is therefore diminished by the proposed measures.

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

No comments

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

No comments

Local plans and transitional arrangements

It is evident that many Local Plans will need to be reviewed in order to reflect the updated policy. However, Local Plans that are submitted for Examination within 6 months of this new policy being enacted will not need to reflect the First Homes policy requirements.

Furthermore, developers who are advanced in the preparation of applications, including where there has been extensive pre-engagement with the Planning Authority on the mix of affordable housing, may be considered flexibly, although consideration should be given to whether First Homes may be substituted for a different tenure.

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

Comment

Yes.

Given that it is expected that our emerging Local Plan will be submitted before or within 6 months of the policy being enacted, it does not have to reflect the First Homes requirement.

As Government Policy however, it is considered that the provision of First Homes in any finally agreed form, should be incorporated into a review of the Developer

Contributions SPD at the earliest opportunity in order in order to facilitate the opportunity for affordable home ownership in the borough.

Recommendation

That MHCLG be advised that this Authority raises no objection to the proposed approach to transitional arrangements.

Level of Discount

First Homes are proposed to be sold at a discounted price to eligible purchasers.

A minimum discount of 30% from market value will be required. This discount can however be the subject of upward negotiation by the Planning Authority, to 40% or 50%, provided the need to do so is evidenced in the Local Plan.

Where discounts of more than 30% are applied to First Homes, the requirement for a minimum of 25% of units onsite to be First Homes will remain in place.

It will not be possible therefore for developers to off-set a greater discount against number of units provided.

Q13: Do you agree with the proposed approach to different levels of discount?

Comment

It is difficult to see what incentive introducing different levels of discount would offer the developer and indeed, given that the 30% discount is identified as a minimum discount, the need to identify other potential levels of discount appears unwarranted. Any negotiation on levels, if necessary, should be left to the authorities.

However, if the purpose of the Consultation Paper is to offer a process and system that provides certainty and clarity to the developer, the opportunity to negotiate a higher level of First Homes provision detracts from this objective and introduces the potential for delay in the provision of housing due to negotiation.

Recommendation

That MHCLG be advised that this Authority considers the need to identify other potential levels of discount appears unwarranted, given that the level of discount identified is a minimum discount.

Community Infrastructure Levy

It is proposed to exclude First Homes from CIL.

Comment

Given that First Homes themselves represent a form of Community Infrastructure, this would appear reasonable.

Recommendation

That MHCLG be advised that given that First Homes themselves represent a form of Community Infrastructure, exclusion of this affordable housing product from CIL liability would appear reasonable.

Exception Sites

It is proposed that a First Homes Exception Sites policy be introduced, replacing the existing exceptions site policy.

Exception sites are small sites brought forward outside the local plan to deliver affordable housing. Under the amended policy, the affordable homes delivered should be First Homes for local, first-time buyers. There will be the flexibility in the policy to allow a small proportion of other affordable homes to be delivered on these sites where there is significant identified local need, (such as within Castle Point) as well as a small proportion of market homes where this would be necessary to ensure the viability of the site overall.

Currently exception sites may not be larger than 1 ha or exceed 5% of the size of the existing settlement. It is proposed to remove these thresholds, although exception sites should remain proportionate in size to the existing settlement.

This policy will not apply in designated rural areas, where delivery will be through the rural exception sites policy.

Comment

Given that local authorities are required to identify all of their housing needs (including the need for affordable housing) and identify sufficient land to meet those needs in the preparation of their local plans, where up to date local plans are available the need for exception sites should not exist.

Having identified sufficient land to meet housing needs within the borough through the preparation of the Local Plan the need for exception sites within the borough is not recognised.

Recommendation

That MHCLG be advised that having identified sufficient land to meet housing needs within the borough through the preparation of the Local Plan the need for exception sites within the borough is not recognised.

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Comment

The support of entry level sites on land not allocated for residential purposes or Green Belt by planning authorities is already a requirement of the NPPF. The proposed amendments seek to focus the product of such sites on meeting the needs of first time buyers. There can be little objection to this shift in focus, where need for such a product is identified.

The fundamental change is that it is now proposed that such housing be accompanied by market housing in order to ensure viability.

As schemes which are not viable are unlikely to be built the achievement of a mechanism to secure viability seems logical and appropriate, although concern is expressed in respect of the identification of an appropriate level of supporting market housing and the potential for delay in the bringing forward of such sites as a consequence of arguments over viability and the size of site required to achieve a viable development.

It is considered that guidance on the acceptable level of market housing on First Home Exception Sites should be provided to facilitate certainty and efficiency in the bringing forward of such sites.

It should be clear that exception sites are only granted planning permission where the level of affordable housing, irrespective of tenure and product, overrides other policy consideration, including harm to the Green Belt. These are schemes where market housing would normally be refused permission as there are no exceptional circumstances. However, such consents run the risk of establishing the principle of development on sites which would otherwise not receive consent. The Government will need to be robust in their guidance that consent within an exception scheme with some market housing included, does not set a precedent for subsequent applications on that site with increased market housing.

Recommendation

That MHCLG be advised that the achievement of a mechanism to secure viability seems logical and appropriate. In order to avoid delay it is however considered that guidance on the acceptable level of market housing on First Home Exception Sites should be provided.

The Government will need to be robust in their guidance that consent within an exception scheme with some market housing included, does not set a precedent for subsequent applications on that site with increased market housing.

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

Comment

Footnote 33 of Para 71 (a) of the NPPF sets a threshold for exception sites at 'not larger than one hectares in size or exceed 5% of the size of the existing settlement.' Concern is expressed in respect of the removal of size thresholds which could result in delay in the bringing forward of such sites as a consequence of arguments over viability and the size of site required to achieve a viable development.

Under the circumstances it is considered that the retention of thresholds would maintain certainty and clarity.

Recommendation

That MHCLG be advised that in the interests of efficiency and certainty, this Authority does not support the removal of size thresholds

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

Comment

There would not appear to be a robust reason why the First Homes exception sites policy should not apply in designated rural areas, particularly as both mechanisms seek the same objective and the rural exception sites mechanism is underused. Greater clarity would surely be gained if there was only one mechanism for the provision of housing on exception sites.

Recommendation

That MHCLG be advised that this Authority cannot identify a robust reason why the First Homes exception sites policy should not apply in designated rural areas.

3. Supporting small and medium-sized developers

Small and medium sized builders (SMEs) are significant providers of housing on small sites and are currently experiencing significant difficulties as a consequence of COVID 19 and underlying structural issues within the Industry.

The Government currently supports this sector through programmes such as the Home Building Fund, the Help to Buy programme, the ENABLE Build guarantee scheme, the Housing Growth Partnership and the Housing Delivery Fund, as well as reforms to the planning system.

To support SMEs further, the Government is proposing to raise the threshold for the provision of affordable housing from 10 units as currently stated in the NPPF, to 40 or 50 units and from 0.5ha to a proportionately larger size, for a period of 18 months.

It is suggested that this will have a relatively minor impact on the provision of affordable housing.

It has been identified that some developers may seek to take advantage of the raised thresholds by attempting to bring forward larger sites in phases of up to 40/50 dwellings in order to avoid contributions.

Guidance will be introduced on how local planning authorities can secure contributions for affordable housing where it is apparent that a larger site is being brought forward.

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

Q18: What is the appropriate level of small sites threshold?

- i) Up to 40 homes
- ii) Up to 50 homes
- iii) Other (please specify)

Q19: Do you agree with the proposed approach to the site size threshold?

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

Comment

In a borough like Castle Point, which relies on small sites for a significant proportion of its housing provision, raising the affordable housing thresholds to the levels identified would effectively remove the ability of the Authority to secure any affordable housing.

To demonstrate this point it should be noted that since 2015 a total of 12 applications have been the subject S106 Agreements providing contributions towards affordable housing provision.

Of these, 9 were for schemes which provided fewer than 40 units and two were for schemes providing between 40 and 50 units. Only 1 scheme exceeded 50 units.

Of those sites providing fewer than 40 units, 23 affordable housing units were provided on site and financial contributions totalling £2,159,305 have been secured, with a further £208,000 anticipated from agreements currently in negotiation.

Of those sites providing between 40 and 50 units, £1,420,351 was achieved in financial contributions.

With the operation of Late Stage Viability Reviews in a number of cases, it is anticipated that income from sites of fewer than 50 units will exceed £4,000,000.

None of this income or affordable housing provision would have been achieved if the thresholds currently proposed had been present.

Furthermore, should developers seek to renegotiate existing S106 agreements in the event that the proposed thresholds are adopted, plans currently in execution by the Authority to provide affordable housing funded by contributions would be in jeopardy.

The introduction of the proposed thresholds, even for a limited period, would severely prejudice the ability of this Authority to secure and provide affordable housing.

Recommendation

In view of the adverse consequences for affordable housing provision in the borough, it is recommended that the MHCLG be advised that this Authority does not support the introduction of this measure.

Q21: Do you agree with the proposed approach to minimising threshold effects?

Guidance is already available in respect of smaller sites. An extension of such guidance to larger sites would be appropriate.

Recommendation

It is recommended that the MHCLG be advised that this Authority would welcome further advice on minimising threshold effects.

Affordable Housing in Rural Areas

In designated rural areas, local planning authorities can set a lower threshold of five units or fewer in their plans and consequently rural local authorities tend to secure greater proportions of their housing supply as affordable on average when compared to urban local authorities.

In designated rural areas, it is proposed that the current thresholds are maintained.

Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?

Comment

This area is not a designated rural area and does not therefore benefit from the lower thresholds applied within such areas. No objection however is raised to the retention of the opportunity for such areas to exercise lower thresholds as necessary.

However, many urban areas also experience a high level of need for affordable housing.

Consideration should be given to the potential for lower thresholds to be exercised in urban areas which experience high levels of affordable housing need.

Recommendation

That MHCLG be advised that this Authority does not object to the retention of lower thresholds in designated rural areas, but considers that consideration should be given to the expansion of this concept to designated urban areas.

Supporting SMEs

The Government is seeking views on other ways in which the Government can support SME builders to deliver new homes.

Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

No comment

4. Extension of the Permission in Principle consent regime.

Introduction of applications process for major developments

Permission in Principle (PiP) was introduced in 2017 and provided the means to establish the principle of development for housing on identified brownfield sites, without, in effect, the need to go through the outline planning process.

Permission in Principle by application was introduced for minor development (i.e. sites of fewer than 10 dwellings) in 2018.

The existing Permission in Principle consent route seeks to provide clarity at an early stage, on the acceptability of development on a particular site and has two stages:

- the first stage ("Permission in Principle") establishes whether a site is suitable in principle for development. This grant of Permission in Principle is for five years and no planning conditions can be attached to it.

Once the principle is established, it does not need to be re-established by a subsequent applicant.

- the second stage ('technical details consent') is when the detailed development proposals are assessed. Conditions can be attached at this stage.

A grant of Permission in Principle plus a grant of technical details consent together equates to full planning permission.

To assist economic recovery and assist SMEs, the Government is keen to expand the Permission in Principle regime to include major development. Existing restrictions relating to EIA and Habitat Regulation requirements will be maintained due to the limited information available at the principle stage and consequently Permission in Principle by application will not be a route to permission for large sites capable of delivering more than 150 dwellings or more than 5 hectares unless a screening opinion has been obtained which concluded the proposal was not EIA development.

Similarly, Permission in Principle will not be suitable for sites in areas where there is a probability or risk that the project is likely to have a significant effect on a European site, unless the application was accompanied by an appropriate assessment demonstrating there was unlikely to be significant impact on the site.

It should be noted that Permission in Principle should only be granted for development that is housing led.

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

Comment

Allocations in an adopted Local Plan will broadly establish the principle of the acceptability of particular forms of development in particular areas. This will particularly be the case with an up to date Local Plan. Under these circumstances there would appear to be no objection to the expansion of the Permission in Principle route to major sites.

This situation may be less clear cut in older Local Plans where changes to allocations are anticipated, however, the Permission in Principle by Application route will allow consideration of the principle and the opportunity to refuse the proposal if it were unacceptable.

In principle therefore no objection is raised to the introduction of a Permission in Principle by Application process for major schemes.

It should be noted however that within the local context, all residential development within Castle Point has been determined as likely to have an adverse impact on a European designated site and consequently it is considered unlikely that Permission in Principle will be considered an appropriate vehicle for the establishment of the principle of development on major sites in the borough, unless a screening opinion has been obtained which concluded the proposal was not EIA development.

Recommendation

That MHCLG be advised that no objection is raised to the expansion of the Permission in Principle to major schemes unless a screening opinion has been obtained which concluded the proposal was not EIA development.

Permission in Principle should only be granted for development that is housing led. It may however include other forms of development including retail, commercial and public space. The current regulations limit the extent of commercial floorspace that can be provided. The Government is considering removing the cap on commercial floorspace, considering it unnecessary in a context of development which is housing led.

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

Comment

Whilst the potential need to provide some commercial floorspace within residential schemes to meet the needs of that development is recognised, such non-residential development should not be of such a scale as to detract from, or prejudice, the operation, vitality or viability of established commercial and retail areas. Limits on the level of commercial floorspace should therefore be incorporated and commercial floorspace should be limited to that necessary to meet the needs of the proposed development or the identified wider needs of the authority, as set out in the Local Plan.

Recommendation

That the MHCLG be advised that this Authority considers that limits should be set on the amount of any commercial development provided within Permission in Principle major schemes, in order to ensure the operation, vitality and viability of established commercial centres is not compromised.

The Government does not anticipate any significant changes to the current procedures for PiP.

A Permission in Principle application must be made in writing on a form published by the Secretary of State (or a form to substantially the same effect) and include the particulars specified or referred to in the form which include:

- a description of the proposed development,
- the proposed minimum and maximum number of dwellings, •

the amount of any non-residential development,

- the size of the site in hectares, and
- a brief description of any supporting information that is accompanying the application.

The Government is however considering extending this list to include a height threshold to provide clarity on the scale of development that might be considered acceptable.

Views are sought on this addition and on the publicity arrangements relevant to PiPs.

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

Comment

The current information requirements appear sufficient to draw a conclusion on the acceptability of the principle of development.

The introduction of a height parameter would appear to be a matter of detail more suited to the second stage of consideration, however this information would be of assistance in determining the acceptability of the form of development, and its potential harm, and as such would assist in providing certainty to the developer.

No objection is raised to the inclusion of a height parameter within the information requirements.

Recommendation

That MHCLG be advised that this Authority considers the current information requirements sufficient to draw a conclusion on the acceptability of the principle of development but raises no objection to the inclusion of a height parameter within the information requirements.

Publicity Arrangements

At the present time applications for PiPs are only required to be publicised by the posting of a site notice and publication on the Council's web site. Planning applications are also subject to these requirements, but are also required to be the subject of a Press Notice.

In order to give local communities the opportunity to comment on proposals for PiPs, it is proposed that the publicity arrangements be revised to ensure that PiP applications are subject to publicity beyond just a site notice and website publication.

PiPs have a short determination period and it is important that the local community is engaged as early as possible in the process. To facilitate this the Government is

seeking views on whether greater use should be made of social media for public engagement in these cases or whether reliance should be placed on Press Notices.

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

i) required to publish a notice in a local newspaper?

ii) subject to a general requirement to publicise the application or

iv) both?

iv) disagree

Comment

In Castle Point, a planning application for a major development would be widely publicised using postal means as well as Press and potentially Site Notices.

It would appear inappropriate for large scale PiP developments to be less widely publicised simply because of the consent route used. It is therefore considered that a consistent approach to the publicising of proposals should be adopted.

The publicity arrangements for Permission in Principle by application should therefore be extended to include Press Notices.

With regard to the use of social media, given that Castle Point has an ageing population and pockets of low income, it is likely that a significant proportion of the population will not be proficient in the use of, or able to access, social media and technology, reliance on these forms of communication could therefore disenfranchise groups within society and deprive them of the opportunity to influence the development of their area. To serve their needs it is considered that Press Notices should be retained.

However, in order to engage younger people in the planning process, the use of social media and technology for consultation purposes should be extended.

Recommendation

That MHCLG be advised that this Authority would support the extension of Press Notices to PiP but would welcome efforts to extend publicity through the use of social media and technology in order to ensure the engagement of all sectors of society.

Revised fee structure to incentivise Permission in Principle by application

Under the current fee structure, the fee for an application for Permission in Principle would be slightly less than the cost of an outline planning application.

In order to facilitate use of the process the Government is keen to reduce the fee for Major PiPs. A reduction in fee is justified in the Government's view as the local planning authority only needs to make a decision on the principle of the development, not on the technical details of the development like a normal planning application.

In establishing a new fee structure the Government has considered a number of options including :

- a) retention of the current fee structure based on a flat fee per 0.1 hectare but with a lower fee than is currently applied
- b) adopting a site-size criterion, with a charging scheme based on the actual number of dwellings or
- c) adoption of a simplified banded fee structure, with a fixed fee per 0.1 hectare in each band, and maximum fee cap based on the following site sizes:
 - less than 1 hectare (= £x fee per 0.1 hectare)
 - between 1 to 2.5 hectares (= £y fee per 0.1 hectare)
 - more than 2.5 hectares, capped at a maximum (= £z fee per 0.1 hectare, capped)

The Government favours option c.

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

Q30: What level of flat fee do you consider appropriate, and why?

Comment

With regard to option (a), at the present time the planning fee for a PiP application is £402 for each 0.1ha or part thereof, capped at a maximum of 1ha.

The fee of £402 per 0.1ha has clearly been determined, based on consideration of the cost of determination by the Local Authority. Any reduction in the level of fee which resulted in such fees not fully reflecting the cost of consideration by the Council would result in local people subsidising large scale development which is considered inappropriate.

With regard to option (b), as the number of dwellings to be provided will not be known at the Principle Stage, it is unclear how this fee would be calculated.

With regard to option (c), the fee structure for outline consent currently follows a stepped approach with sites of less than 2.5ha attracting a fee of £462 per 0.1ha and sites of 2.5ha attracting a fee of £11,432 plus £138 per 0.1ha. up to a maximum of £150,000. A stepped approach to fee charging is not therefore unusual and has the advantage of ensuring that the potentially more complex sites attract a higher fee. It is considered appropriate for this regime to be extended to PiP applications.

There would appear to be little rationale for a reduction in the fee proposed (when compared to the current requirements) and it is considered that whichever fee structure is finally adopted it is essential that it meet the costs of the Council in considering the proposal in order to avoid the potential for local people to subsidise large scale developments.

Recommendation

That MHCLG be advised that this Authority favours Option (c) but considers that any scale of fees adopted should meet the costs of the Council in considering the proposal in order to avoid the potential for local people to subsidise large scale developments.

Brownfield Registers and Permissions in Principle.

The Local Authority is required to publish and maintain a Brownfield Register identifying those (non-residentially allocated) sites which are considered suitable for residential development. The Register is in two parts. The first lists the sites, whilst the second list brings forward from Part 1 those sites which have been granted automatic Permission in Principle.

The Government proposes that any brownfield sites granted permission in principle by application should also be recorded in Part 2 of the Register, in order to maintain a single source of information on brownfield sites suitable for residential development.

Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

Comment

The inclusion of Brownfield sites granted Permission in Principle within Part 2 of the Brownfield Register would appear to be a logical and efficient means of capturing this data.

Castle Point has no sites on Part 2 – Permission in Principle – on its 2019 Brownfield Register. The Register is reviewed annually.

Recommendation:

That MHCLG be advised that this Authority considers that the inclusion of Brownfield sites granted Permission in Principle within Part 2 of the Brownfield Register would appear to be a logical and efficient means of capturing this data and that it raises no objection to this proposal.

Additional Guidance to support implementation.

It would appear that the Permission in Principle consent regime is not well understood by landowners, developers or some Local Authorities.

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

Comment

This Authority has no experience determining applications for Permission in Principle and is not therefore in a position to comment on potential areas of additional guidance.

Recommendation

That MHCLG be advised that this Authority has no comment to make in respect of potential further guidance on PiP determination.

Regulatory Impact Assessment

It is the Government's view that the introduction of the measures set out in the Consultation document will not result in additional burden to users and should achieve benefits in terms of clarity, certainty and cost.

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

This Authority is largely dependent on small sites for housing provision. However, there is no evidence of take up of the PiP system within Castle Point and the proposed amendments to the current proposal are not considered likely to alter this situation.

If Permission in Principle by application is adopted the Government aims to introduce amending regulations this Autumn, with the regulations expected to come into force by the end of the calendar year. Changes to the fee structure would require separate changes to the Planning Fees Regulations.

Public Sector Equality Duty

Local authorities must have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

No comment

Conclusion

The views of Cabinet are sought and these together with the comments outlined in this report will be brought together in a single response to the Consultation. The final draft will be approved by the Chief Executive and / or Head of Place and Policy in consultation with the Cabinet Member for Strategic Planning and the Leader of the Council.

5. Corporate Implications

a. Financial implications

The proposed changes to the planning system could have significant financial implications for the Authority. Most specifically, proposals to increase the threshold for the provision of affordable housing contributions could prejudice short term future housing provision by the Council as a consequence of the removal of a significant funding stream.

b. Legal implications

Any changes in legislation or regulations that result from these proposed changes will need to be taken into account by the Council.

c. Human resources and equality implications

Human resources

The proposed alterations to the planning system do not introduce additional human resource requirements. The proposals in the proposed changes seek to ensure human resources are used more effectively.

Equality implications

The proposed changes seek to widen the opportunities for affordable home ownership. It therefore has positive equality implications.

d. Timescale for implementation and risk factors

A response to the consultation document is required by 1st October 2020.

There is a significant risk that the revised methodology for the assessment of local housing need will result in a greater housing need requirement being imposed on Castle Point. (potentially up to 9%).

Furthermore there is a significant risk that proposals to raise the small sites threshold in respect of the provision affordable housing will deny this Authority any opportunity to achieve affordable housing, either on site or off-site through the achievement of financial contributions.

7. Background Papers:

- Changes to the current planning system. Consultation on changes to planning policy and regulations. MHCLG August 2020.

Report Author:

Ian Butt – Head of Place and Policy

Kim Fisher-Bright – Strategic Developments Officer

CABINET

16th September 2020

Subject: Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
Cabinet Member: Councillor MacLean – Growth – Strategic Planning

1. Purpose of Report

- 1.1. This report seeks to update the Cabinet on the outcome of the public consultation on the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD), and recommends that the revised SPD, presented in Appendix 1 be approved.**

2. Links to Council's Priorities and Objectives

Environment

- **Prevents degradation of vital habitats**
- **Protects the biodiversity of protected sites on the coast**
- **Protects endangered species**

3. Recommendations

- 3.1. To approve the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy as set out in Appendix 1 for adoption as a Supplementary Planning Document.**
- 3.2. That the Chief Executive and Head of Place and Policy be authorised to agree minor changes to the Supplementary Planning Document and supporting documents in Appendices 1 - 3 should it be necessary before adoption/publication, and to undertake all the necessary legal and procedural adoption processes.**

Note Appendices 1- 3 are circulated separately.

4. Background

- 4.1. At the meeting on 20 November 2019, Cabinet considered the draft SPD and approved it for public consultation. This was undertaken all partner authorities in Essex for six weeks in January and February 2020. A summary of the main issues raised in the consultation responses and how they have been used to inform the revised SPD is presented in a 'You Said We Did' feedback report in Appendix 2. The revised SPD is attached in Appendix 1.
- 4.2. The Essex coastline is extremely diverse and features a variety of habitats and environments and which are internationally important for wildlife. Most of the Essex Coast is designated under the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') as part of the European Natura 2000 network. This includes Special Protection Areas, Special Areas of Conservation and Ramsar sites, which are defined as Habitats sites in the National Planning Policy Framework (2019).
- 4.3. There are ten Habitats sites in the Essex Coast Recreational disturbance and Avoidance Mitigation Strategy (RAMS) areas including the Benfleet and Southend Marshes SPA and Ramsar site, that extends into Castle Point. The sites are shown in Figure 1 below.

Figure 1: Designated sites on the Essex coast



- 4.4. The RAMS aims to prevent bird and habitat disturbance from recreational activities such as dog walking, hiking, cycling and sailing, through a series of management measures which encourage all coastal visitors to enjoy their visits in a responsible manner. Natural England has identified the need for a RAMS to ensure compliance with the Habitat Regulations¹.
- 4.5. Castle Point Borough Council (CPBC) is one of twelve partner local authorities who are working together (Basildon, Braintree, Brentwood, Chelmsford, Colchester, Maldon, Rochford, Southend-on-Sea, Tendring, Thurrock and Uttlesford), along with Natural England, to implement the Essex Coast RAMS. The Strategy sets out a long-term strategic approach to avoid and mitigate recreational disturbance on European designated sites along the Essex Coast, from an increasing residential population arising from new housebuilding throughout the County. The RAMS was adopted by CPBC on 20 November 2019.
- 4.6. The RAMS enables a housebuilder to make a monetary 'developer contribution' towards the delivery of strategic mitigation measures to help address recreational pressures that would otherwise occur, instead of needing to provide bespoke mitigation themselves.
- 4.7. The RAMS Supplementary Planning Document (SPD) provides a county-wide mechanism for securing developer contributions to fund measures identified in the Strategy. It distils the Strategy document into a practical document for use by local planning authorities, developers and the public.
- 4.8. Chelmsford City Council will manage and administer all the developer contributions on behalf of all the Essex partner authorities. This will avoid the duplication of resources across the Councils and keep administration costs to a minimum. A 'Partnership Agreement' has been prepared for all of the authorities to sign up to which will formalise the arrangements with Chelmsford City Council.
- 4.9. Consultation on the Essex Coast RAMS Supplementary Planning Document (SPD)**
- 4.9.1. The draft SPD was published for consultation for six weeks between 10 January 2020 and 21 February 2020 in accordance with the planning consultation requirements of each partner Council. A wide range of organisations and individuals were consulted on the draft SPD across Essex including:

¹ Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations')

- Statutory bodies including neighbouring Councils, local Parish and Town Councils and Government bodies such as Natural England;
 - Local stakeholders including the RSPB and Essex Wildlife Trust;
 - Developers, landowners and planning agents;
 - Local businesses, voluntary and community groups; and
 - The public.
- 4.9.2. The consultation material was available to view and comment on the Essex County Council 'Citizen Space consultation portal' and to view from partner Council's main offices and at several local public libraries during the consultation period. Information was also provided on the partner Council's websites and the project Bird Aware website www.essexcoast.birdaware.org.
- 4.9.3. Each Council complied with the Statement of Community Involvement (SCI), for CPBC that included sending emails/letters to relevant consultees in the consultation database. A press release was issued, advising consultees on how to respond to the consultation and where to find the relevant documents.
- 4.9.4. The SPD consultation received a total of 146 comments, 87 of these being from Essex residents and 59 being from various organisations including Natural England, Essex County Council, the RSPB, and the Marine Management Organisation. All the responses are available to view online at <https://consultations.essex.gov.uk/place-services/the-essex-coast-rams-spd/>
- 4.9.5. Comments were received on a wide range of themes, relating to the SPD, the RAMS document itself and also the format of the consultation exercise. The main issues that were raised included:
- Confusion about the purpose and aims of the RAMS;
 - Scope and detail of mitigation measures;
 - Concern regarding the effectiveness of the RAMS approach;
 - Query whether the right key stakeholders have been involved in the RAMS;
 - Questioning the status of protected wildlife sites following the UK's withdrawal from the European Union;
 - Concern that RAMS will enable inappropriate development to be allowed;
 - Suggestions that money should be spent on other projects;
 - Concern with the calculation and definition of the Zones of Influence;
 - Arguments that the tariff is set too high, or alternatively too low;
 - Questions over the adequacy of the proposed budget and staff to deliver project across such a wide area;
 - Concerns about monitoring (both in relation to the tariff and Zones of Influence);
 - Suggestion that other land uses (other than residential) should come within the scope of the tariff;

- Perceived conflict of RAMS purpose (protecting against recreational disturbance) and aims with the England Coastal Path project (increasing public access to the coast);
- Concerns that RAMS will impact on existing and future strategies and aspirations for tourists and residents to access and enjoy the coast, for economic growth and health and wellbeing; and
- Suggestions that alternatives to paying into the RAMS should either not be allowed, or that alternative approaches should be more clearly set out.

4.9.6. In response to the various comments received, Essex Place Services have produced a 'You Said, We Did' document which considers the comments and recommends whether or not changes to the SPD are required. These have been considered by the RAMS Steering Group of Officers from the twelve Essex Authorities and a revised version of the SPD has been agreed. The main revisions include:

- A glossary and list of acronyms and a description of what they mean is now included at the beginning of the SPD;
- A clearer description of how overheads and other costs have been identified within the RAMS mitigation package;
- The first paragraph of the SPD will be amended to state 'birds and their habitats' rather than 'Wildlife' to make it clearer from the outset as to what type of wildlife the RAMS and the SPD is primarily seeking to protect;
- More recognition of the South East Marine Plan and the East Inshore and East Offshore Marine Plans which, when adopted, will become part of the statutory Development Plan for the relevant Councils
- An amendment to include reference to fishing / bait digging to paragraph 2.2 is proposed;
- Reference to the 'Outer Thames Estuary SPA' rather than the 'Thames Estuary SPA' is proposed;
- Previous maps replaced with higher resolution images;
- Additional clarification within Paragraph 3.7 making the SPD more explicit regarding proposals for single dwellings being subject to the RAMS tariff;
- More explanation of requirements of development proposals in regard to statutory HRA procedures and on-site mitigation, and that the specific effects the RAMS will mitigate in accordance with Regulation 122 of the CIL Regulations;
- More justification for the inclusion of C2 Residential Institutions and C2A Secure Residential Institutions as being liable for tariff payments;
- Inclusion of the National Planning Policy Framework (NPPF) within the 'useful links' section;
- Clarification that non-residential proposals are exempt from the tariff;

- Amendments to the map in Appendix 2 of the Essex Coast RAMS SPD SEA/HRA Screening Report (presented in Appendix 3 to this report) be amended to reflect the Outer Thames SPA designation;
- Clarification on the requirements for project-level Habitat Regulations Assessment (HRA) and Appropriate Assessment (AA) of development proposals which will explore the hierarchy of avoidance and mitigation, and that the SPD is relevant to 'in-combination' recreational effects only;
- Clear explanation that the intention of Essex Coast RAMS mitigation is to enable the conclusion of no adverse effect on the integrity of the international designated sites;
- Removal, from the relevant map in the SPD and RAMS Strategy, all areas of Suffolk from the Zone of Influence; and
- Clearer explanation of the relationship between the effects of a population increase resulting from net new dwelling increases.

4.9.7. In addition, further changes have been made to ensure that the revised SPD is up to date including:

- Clarification that ways of paying the tariff contributions varies between partner Councils;
- Reference to the governance arrangements for the RAMS including the Project Board and Essex Coastal Forum; and
- Clarification that the RAMS monitoring framework will be agreed on appointment of the delivery officer.

4.9.8. The entire 'You Said, We Did' Feedback Report is presented in Appendix 2 and the revised SPD is at Appendix 1.

4.9.9. Natural England were involved with the preparation of the draft SPD so did not make any specific comments on it in their consultation representation. However, Natural England have reviewed the revised SPD and confirmed that they endorse it.

4.10. Supplementary Planning Document

4.10.1. Planning Guidance states that 'supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.'

4.10.2. The Adopted Local Plan for the Borough is the 1998 Local Plan. There is no specific policy in relation to RAMS nor reference to the requirements under the Habitat regulations. However, Policy EC12 does state that 'within sites of special scientific interest and national nature reserves, the Council will encourage proper

maintenance and management in the interests of protecting and enhancing their nature conservation value.’ RAMS is a way to achieve this objective.

- 4.10.3. Planning Policy Guidance also states that the SPD should not ‘add unnecessarily to the financial burdens on development.’ This is not the case with the RAMS as the tariff replaces in part of whole payments which would have to be made under an appropriate assessment anyway. By setting a clear tariff and the basis for it, the RAMS provides developers with greater certainty as to the level of contribution which can be factored into the earliest viability appraisals.
- 4.10.4. The emerging Local Plan under policy NE5 part 4 states that ‘contributions from relevant developments will be secured towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS).’ This SDP will support the objectives of that policy.
- 4.10.5. Following adoption of the SPD, it becomes a material consideration that can be taken into account in the determination of planning applications. As soon as reasonably practical following adoption of the SPD, Regulation 14 of the Town and Country Planning (Local planning) (England) Regulations 2012 (as amended) require the Council to make available the SPD and an Adoption Statement. The Council is also required to send the Adoption Statement to anyone who has asked to be notified of the adoption of the SPD.
- 4.10.6. Although the Council is not obliged to adopt the SPD a decision not to do so would not remove the Council’s duties under the Habitats Regulations and would not remove the need to implement the RAMS, or another appropriate strategy, to avoid or mitigate the impacts of new housing on the integrity of habitats sites. Failure to avoid or mitigate the impacts of recreational disturbance arising from new housing in the determination of planning applications would leave decisions vulnerable to legal challenge. The RAMS Document and SPD are intended to ensure the Council’s obligations under the Habitats Regulations are effectively discharged.
- 4.10.7. It is anticipated that each partner local authority will adopt the revised SPD in 2020.

4.11. SEA/HRA Screening Report

- 4.11.1. A Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Report was published alongside the draft SPD.
- 4.11.2. The SEA process seeks to ensure that environmental and possibly other sustainability aspects are considered effectively in plans and programmes. The HRA process seeks to ensure that plans and programmes are not likely to result in significant effects on any nationally or internationally designated wildlife sites known as European sites, either alone or ‘in combination’ with other plans or programmes.

- 4.11.3. The SEA/HRA screening report determines that there would be no significant effects on the environment resulting from the SPD and therefore that a SEA is not required. It also concludes that the SPD cannot have any negative effects on designated wildlife sites so there is no requirement to undertake further assessment under the Habitats Regulations 2017.
- 4.11.4. The following changes have been made to the SEA/HRA Screening Report in light of consultation comments received:
- References have been made to refer to the RAMS seeking to 'enable the conclusion of no adverse effect on the integrity of the Habitat sites' rather than the previous wording – ensuring that there will be no significant effects on Habitats sites; and
 - Inclusion of updated maps in the Appendices to be consistent with the revised SPD.
- 4.11.5. The updated SEA/HRA Screening Report is presented in Appendix 3 to this report.

4.12. Partnership Agreement

- 4.12.1. The RAMS Strategy identifies the mitigation measures needed over the project period to 2038 and their estimated cost. To date, the money collected from tariff contributions is being held by individual partner authorities. Going forward, the tariff contributions will be 'pooled' together into a single RAMS mitigation pot, to be administered by the project Accountable Body.
- 4.12.2. Chelmsford City Council (CCC) has offered to be the initial project Accountable Body for three years and a legal agreement has been prepared to set out the roles, responsibilities and costs for each partner Council.
- 4.12.3. As Accountable Body, CCC will hold all tariff contributions from the twelve partner Councils. It will also employ the full-time Delivery Officer to oversee the project and who will be funded from the tariff contributions.
- 4.12.4. A legal agreement, has been drawn up by CCC Legal with the input of Officers in Planning Policy, Finance and HR. This ensures that the risks and costs associated with implementing and administering the project are shared amongst partners.

5. Corporate Implications

5.1. Financial Implications

- 5.1.1. The cost of appointing and funding the post of Delivery Officer will be met by the RAMS tariff contributions such costs to include salary of the Delivery

Officer, the provision of IT equipment, Personal Computer, laptop, mobile phone, uniform and on the job training.

- 5.1.2. Chelmsford City Council will act on behalf of all the local authorities as the accountable body for the fund. There is a cost to Chelmsford City Council in doing so, which is to be shared between all of the 11 authorities which is to be agreed of circa £1,300 per annum. This is a cost-effective approach. If the Council did not enter into the agreement it will have to collect, management and administer expenditure itself, including payments to other authorities on a scheme by scheme basis, the resource requirements for doing so would exceed the likely cost of the Council to jointly cover the administration of the project. .

5.2. Legal Implications

- 5.2.1. The Conservation of Habitats and Species Regulations 2017, as amended, require the Council as a 'competent authority' to ensure that planning permission is not granted for development that will have an adverse impact upon a protected site in its administrative area, unless appropriate mitigation is sought. Any mitigation is a requirement of legislation so must be delivered.
- 5.2.2. Although the UK Government is currently in a 'transition period', usual business applies with regard to European Directives. As such, for the purposes of the RAMS project, the Directives will still apply.

5.3. Human Resources and Equality Implications

Human Resources

- 5.3.1. The Council will not directly employ anyone for the RAMS, however the Accountable Body will employ the Delivery Officer and Rangers as set out in the mitigation strategy on behalf of the partner authorities.

5.4. Equality Implications

- 5.4.1. The investment from the implementation of RAMS can help to improve access to the countryside and improve information sources and methods.

5.5. IT and Asset Management Implications

- 5.5.1. None

6. Timescale for implementation and Risk Factors

- 6.1. Contributions are being collected in the interim, however will not be implemented until the SPD has been approved.

7. Background Papers

Appendix 1: Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD)

Appendix 2: You Said We Did Feedback Report

Appendix 3: - Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA) Screening Report

Report Author: Maria Hennessy – Planning Policy Officer

CABINET

16th September 2020

**Subject: Getting Building Funding: Labworth Car Park
remodelling and resurfacing project**

**Cabinet Members: Councillor Stanley – Special Projects
Councillor Hart – Place Infrastructure**

1. Purpose of Report

(1) This report advises Cabinet of the proposed improvements to the Labworth Car Park and the Council's application to the South East Local Enterprise Partnership (SELEP) for Getting Building funding; and

(2) Seeks Cabinet approval for the funding commitment that the Council needs to give in order to secure the Getting Building funding.

2. Links to Council's priorities and objectives

The remodelling and resurfacing of the Labworth Car Park links with the Council's ambition to improve and regenerate Canvey Seafront. It supports the following Council Priorities from the Corporate Plan:

- Health and Community Safety**
- Environment.**

3. Recommendations

It is recommended that Cabinet:

(1) Notes the contents of this report;

(2) Endorses the funding commitment that the Council is required to give to secure a share of the Getting Building Fund; and

(3) Authorises the Council's Section 151 Officer in consultation with the Cabinet Members for Special Projects and Resources and the Head of Environment to approve a draw down from Council reserves to meet any cost overrun once the tenders have been received so that the proposed improvements to the car park can be progressed in a timely manner and in accordance with the Getting Building Fund grant conditions.

4. Background

In June 2020, Local Enterprise Partnerships were invited to put forward projects for the Getting Building Fund. Specifically, Government were looking for shovel-ready capital projects which could be delivered within 18 months.

The overarching objectives of the fund are to drive economic growth in the wake of the COVID-19 crisis, create new jobs and support green recovery. This includes funding to enable:

- town and city centre modernisation through targeted infrastructure investments unleashing their longer-term economic potential;
- investment in physical connectivity to improve the functioning of the local economy;
- investment in innovation ecosystem including through improvements to research and development facilities driving up business productivity;
- improvements to human capital; and
- improving digital connectivity, in order to support economic performance, particularly in more isolated areas.

SELEP successfully secured the largest allocation for any LEP area in the UK. It has been allocated £85 million share of the £900m Getting Building Fund which must be spent by 31st March 2022.

In mid-July, SELEP Directors met to review and narrow down the previously submitted longlist by focusing on projects that can progress quickly but will also stimulate and better integrate economies in some of the most economically impacted and COVID-affected parts of the South East.

The final list of 34 projects that will receive funding from the SELEP's £85 million share of the Government's new Getting Building Fund has been announced and the remodelling and resurfacing of the Labworth Car Park is one of the shortlisted projects.

The improvements to the car park include creation of a separate access and exit, removal of the non DDA compliant ramped path separating the two existing car parking areas, new stepped access to the seawall and provision of 10 electric vehicle charging points. The main access and egress areas will be paved with dense bitumen macadam surfacing. Paving for the majority of the car park will consist of environmentally friendly, recycled plastic, cellular paving with a soil infill. The car park will accommodate a total of 203 marked parking bays, including 12 for blue badge holders.

Whilst 34 projects have been identified for Getting Building Fund, each project is now required to develop a detailed business case. The business case will be subjected to independent scrutiny by Steer, SELEP's appointed Independent Technical Evaluator. The projects will need to demonstrate value for money and compliance with the grant criteria and get the approval of the SELEP Accountability Board before the funding can be made available to scheme promoters for spend on their specified projects.

The detailed business case needs to be submitted to SELEP following sign off by Essex County Council who is the accountable body by 11 September.

The SELEP Accountability Board is scheduled to meet on 20 November 2020 and at that meeting they are expected to approve the funding of the shortlisted projects subject to being satisfied that the projects provide value for money and fulfil the fund criteria.

Given the short timeframe for the submission of the business case and the complexity of the template that has to be completed the Council has appointed SQW – Land and Property, to assist with the development of the business case.

Keegans have been appointed Contract Administrator and CDM Principle Designer under the terms of the Braintree District Council Construction Consultancy framework (ref: PROC15-0132). To date they have completed the initial feasibility study and advanced the project to the planning application stage. The planning application was submitted in July.

Keegans are now progressing the detailed design work for the project and the revised estimate for the project is circa £916K. The Council has secured £39K from SEPP from its operating surplus to put towards this project. Assuming the Council receives £700K from the Getting Building Fund, the Council will need to cover any cost overrun which based on the latest estimates is £177k but the exact costs will not be known until the procurement exercise has been completed and the tenders have been received and evaluated. It is a requirement of the grant application that the Council's Section 151 officer confirms that the Council will cover any funding shortfall so that the scheme can be progressed and completed in accordance with the grant conditions.

Due to the seasonal nature of the seafront the procurement will be progressed once the Council has the necessary planning consent (decision due in September) so that officers are in a position to award the contract shortly after the Board meeting on 20 November. It is anticipated that works will commence in January 2021 and run for 20 weeks with completion by 21 May 2021, i.e. ahead of the busy summer season.

5. Corporate Implications

a. Financial implications

Whilst the Council will be required to cover any cost overrun, the Getting Building Fund grant will help the Council to undertake the improvement works at much less cost to the Council than it could have been.

There will need to be a draw down from reserves to cover the cost overrun once the tenders have been received and the actual costs are known.

In the current climate it is difficult to know what effect Covid-19 may have on tender prices. Some people are reporting lower than expected tenders whilst others have had issues with high tenders. The fortunate thing for this project is that it is for external works and social distancing should not be an issue.

There will potentially be a loss of income of up to £20k due to closure of the car park whilst the works are undertaken. However, as visitors will be able to use the other Council seafront car parks instead it is anticipated that income from these other car parks will increase during this period. The works are scheduled to take place during the pre-season period to minimise loss of income and the impact on visitors and local businesses.

b. Legal implications

The car park is currently in a poor state of repair. The Council has a statutory duty to ensure that its facilities are fit for purpose and safe to use as far as reasonably practicable.

The Council will need to comply with the Getting Building Fund grant conditions which include completing the works by end of March 2022 and covering any cost overrun so that the scheme can go ahead, or else it might be required to pay back the grant it has been allocated.

c. Human resources and equality implications

The upgrading of the car park will improve accessibility across the car park for all users of the car park but particularly for wheelchair users and persons with pushchairs. The proposal includes the provision of 12 bays for blue badge holders, currently the car park is unmarked and there is no provision for blue badge holders.

d. Timescale for implementation and risk factors

There are a number of risks factors which might impact on this project. These include failure to secure planning consent, failure to secure £700k Getting Building Fund grant towards the cost of the works, lack of compliant tenders, adverse weather conditions when the works are being carried out and failure to complete the works by end of March 2022 in accordance with the grant conditions. The potential impact of Covid-19 is another risk factor.

7. Background Papers:

Report Author: Trudie Bragg, Head of Environment

CABINET

16th September 2020

Subject: Authority to Represent the Council

Cabinet Member: Councillor Varker – Resources

1. Purpose of Report

The purpose of this report is to approve the authorisation to allow a member of the Council's Legal Team employed by the Council to represent the Borough Council in proceedings before the Magistrates' Court and County Court.

2. Links to Council's Priorities and Objectives

This report is linked to the Council's priority a Commercial and Democratically Accountable Council.

3. Recommendations

That the following member of the Legal Team be authorised to appear before the Magistrates' Court and County Courts to represent the Borough Council in legal proceedings pursuant to Section 223 Local Govt Act 1972 and Section 60(2) County Courts Act 1984: -

David Bland - Chartered Legal Executive (Fellow)

4. Background

Solicitors who are employed by the Council have automatic rights of audience to appear before the Courts to represent the Council and un-admitted legal staff and staff who hold Legal Executive qualifications may also appear and represent the Council provided, they are specifically authorised to do so by the Council.

5. Proposals

It would be beneficial for the Council to allow its qualified Chartered Legal Executive to appear and represent the Council in legal proceedings before the Courts.

It is therefore proposed that the Council's Legal Executive, employed by the Council be authorised to appear to represent the Council in legal proceedings before the Courts pursuant to Section 223 Local Govt Act 1972 and Section 60(2) County Courts Act 1984.

6. Corporate Implications

(a) Financial Implications

In some circumstances where no other solicitor or legal officer employed by the Council is available it may be necessary to incur extra costs by instructing Counsel or a solicitor agent to represent the Council at Court.

(b) Legal Implications

Without authorisation from the Council this employee is unable to appear before the Courts to represent the Council in legal proceedings.

(c) Human Resources and Equality Implications

It would assist the management of the Council's legal services for this member of staff to be authorised to represent the Council at Court.

(d) IT and Asset Management Implications

There are none to be addressed by this report.

7. Timescale for implementation and Risk Factors

The proposal will be implemented as soon as it is approved by the Cabinet.

8. Background Papers

None.

Report Author:

Jason Bishop – Solicitor to the Council/Head of Law

CABINET

16th September 2020

Subject: Corporate Performance Scorecard Quarter 1 2020/21

Cabinet Member: Councillor Varker - Resources

1. Purpose of Report

- 1.1 To set out the performance figures for the Corporate Performance Scorecard for quarter 1 2020/21.**

2. Links to Council's priorities and objectives

- 2.1 The scorecard is explicitly linked to the Council's priorities.**

3. Recommendations

- 3.1 That Cabinet notes the report and continues to monitor performance.**
-

4. Background

- 4.1** The Corporate Scorecard reports on performance indicators for important service outcomes that are relevant to the Council's priorities.
- 4.2** The indicators for the corporate performance scorecard for 2020/21 were considered and approved by Cabinet in July 2020.

5. Report

5.1 Summary of performance

- 5.1.1** The performance summary in Appendix 1 sets out the performance achieved by the Council against the measures in the scorecard. Of the 29 indicators reported, 18 are at or above target, a further 2 are near target and 6 indicators did not meet the target. Grass verge cutting default notices were suspended in quarter 1 so there was no performance to report and the two satisfaction measures for the Council's leisure centres were not conducted as the centres were closed. Trend in performance shows that there is improving performance in 17 indicators, declining performance for 5 indicators and performance levels maintained for a further 3 indicators. The remaining 4 indicators do not have an indication of trend.

- 5.1.2** Performance is set out against the four priorities in the corporate plan as follows:

Environment

The percentage of household recycling was an improvement on the same period last year although just below target. Household composting (including food waste) is above target and better than over the same period last year. Overall, this means that over 55% of household waste collected was either recycled or composted.

The good performance for street cleanliness continues this quarter and is on target with just 5.95% of inspected streets deemed unsatisfactory, down from 6.60% over the same period last year. Lockdown measures meant that during April and May litter levels were very low. However, from June onwards, as lockdown measures started to ease, an increase in litter was noted, particularly near and around fast food and takeaway outlets.

Fly tipping removal is above target, maintaining high levels of performance where 100% of fly tips were removed within one working day, despite a 30% increase in the number of fly tips compared with the same period last year. Default notices for highways grass verge cutting were suspended due to the pandemic although the number of requests received in relation to highway grass verge cutting was lower than over the same period last year.

Housing and Regeneration

Tenant satisfaction with repairs and maintenance at 100% remains strong. During April, May and June, only emergency jobs were carried out, reducing the number of repairs undertaken. Non-emergency maintenance resumed in July. The average void turnaround time was 112.0 days for the quarter; following government guidance around Covid-19, properties that became empty were not re-let but held empty and this has impacted on performance.

The percentage of planning applications processed within target times has two measures – one for major and one for non-major applications – and gives a longer-term view of performance, looking over a rolling two-year period. Nationally set standards have been comfortably achieved and performance has improved when compared with the same period last year.

The building control service ensured all applications were processed within statutory timescales.

The Local Plan Regulation 19 consultation was undertaken from December 2019 to February 2020 in accordance with the Local Development Scheme. Further work has been undertaken to improve the soundness and legal compliance of the Local Plan in light of responses received to the consultation. The plan will be submitted for examination in public in September 2020.

The JSP is part of a suite of documents that set out how the transformation will be achieved, and investment secured for south Essex. The preparation of the Joint Strategic Plan (JSP) has run concurrent with the development of the wider strategies for South Essex and will be based on those strategies.

A new indicator for 2020/21 is the number of new affordable homes in the Borough. Just two new affordable homes were provided in the Borough in 2018/19

and no new affordable homes in 2019/20. These are significantly below the target in the Local Plan (approved for submission in October 2019) and consequently substantial action in terms of the use of S106 Agreements to secure affordable housing, and the building of affordable homes by the Council and Registered Provider partners is required to improve this figure.

Health and Community Safety

The Homelessness performance indicator is split into two parts and looks at the success rate of the homelessness team in preventing and relieving homelessness. Performance is derived from Government-verified statistics which, at the time of publication of this report, show performance to the end of March 2020. The service secured accommodation for 7 out of every 10 households to whom the Council owed a Prevention duty and 4 out of 10 households owed a Relief duty.

The percentage of food premises that have been awarded a score of at least 3 on the food hygiene rating scheme was 93% (402 of 434 premises) and exceeded the target of 90% which is strong performance.

Satisfaction with Leisure Services is measured by a Net Promoter Score which can range from -100 (where everybody is a detractor and would not recommend the service) to +100 (where everybody is a promoter and would recommend the service). However, because of closure of the leisure centres, satisfaction surveys were not carried out. Surveys have resumed in July and will be reported with the quarter 2 report later in the year.

The number of leisure memberships stood at 2,229 at the end of the quarter, which was a fall in memberships from the same period last year and a fall of 792 memberships since the peak of 3,021 memberships at the end of March. Since the re-opening of the gyms in July, the number of new memberships is greater than additional cancellations and so overall numbers are recovering.

Reasons for cancellation or freezing memberships include: vulnerability to Covid-19 infection; job security and loss of income; awaiting pool re-opening; school re-opening in September; and alternative exercise regimes (although some good-weather dependent).

The service is actively promoting new memberships “Wash your hands of Covid, not fitness” through local press and social media, specifically targeting younger members and those who are now working from home. People with cancelled and frozen memberships are also being contacted to encourage a return. The annual target for memberships will be revisited at the end of Q2 once trends on new and returning members is better understood.

A new indicator for 2020/21 is the *Percentage of usable allotment plots owned and managed by Castle Point Borough Council that are vacant*. Of the 155 usable plots, 26 are currently vacant, 17% of the total. During the early strict Covid-19 lockdown the use of allotments was one of the very few activities that was still allowed under the Government’s legislation. The Council’s sites were very well used with many residents not being able to do their day job or usual activities. Given how busy the sites were during this time and the social distancing requirements we did not offer any vacant plots to people on the waiting list during the first quarter.

Whilst the sites were busy during this time a number of plots were not worked due to plot holders being required to shield or not feeling comfortable attending to their plots. The Council will shortly be writing to plot holders who have not worked their plots this year to find out whether they intend to start working their plots again or give them up for re-letting.

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The First Contact team continue to deal with queries effectively; 96% of calls received were dealt with at the first point of contact without the need to transfer to the back office. This is above target and maintains a consistently high level of performance.

The sickness absence indicator has been split between short-term and long-term (4 calendar weeks or more) with targets adjusted to reflect levels seen in previous years as well as some comparative data. At 4.9 days against a target of 4.6 days, short-term absence has just missed its target. Long-term absence has increased from the same period last year (from 4.5 days to 5.4 days) and is missing its target. This long-term figure is affected by a small number of employees with serious health conditions/disabilities, one of whom has now been granted an ill health retirement. During the Covid-19 pandemic sickness levels have been low, but the rolling year figure remains above target due to high levels of absence in the winter months.

A measure introduced to the corporate performance scorecard last year is the *Number of wheeled bin garden waste subscribers*. The service has an annual target of 8,970 subscribers to the wheeled bin garden waste collection service. Performance at the end of Q1 (10,658 subscribers) – as a result of an increase in garden waste produced during lockdown – means the service has already met this annual target. Therefore, the service will review the number of subscribers at the end of the second quarter and revise the year-end target accordingly.

The Council is keen to encourage members of the public and businesses to transact with the Council online. The “channel shift” indicator continues to measure the numbers signed up to the e-billing service for council tax and business rates and now include a measure of Council Tax transactions using online forms. The number signed up to e-billing at the end of the quarter is 7,834 above target and an improvement on last year. Over the quarter, there were 343 online form transactions and increase on the same period last year.

The final new indicator for 2020/21 is the *Average time to process housing benefit claims*, split into new claims and change of circumstances. Performance across both types of claims is good and an improvement on the same period in 2019/20. The impact of Covid-19 – on the economy, workforce, and the introduction of support packages and easements cascaded down from central government – can be seen when comparing the volume of work this quarter with the same quarter last year:

- New claims received showed an increase in Q1 2020/21 of 55%
- All work items received and processed showed an increase in Q1 2020/21 of 27%
- E-mails from customers and third parties showed an increase in Q1 2020/21 of 65%

Despite this, the team has continued to perform well and 96% of claims are processed within 14 days.

5.1.3 Further information and commentary on performance is set out in the table in Appendix 1.

6. Corporate Implications

a. Financial implications

Good performance on some indicators can lead to reduced costs.

b. Legal implications

There are no direct legal implications at this stage.

c. Human resources and equality

There are no direct human resource or equality implications at this stage.




d. Timescale for implementation and risk factors

Monitoring of the Corporate Performance Scorecard is ongoing throughout the year.

7. Background Papers:

None




Report Author: Ben Brook bbrook@castlepoint.gov.uk

Key	
	More than relative 10% below target
	Less than relative 10% below target
	On or above target

Appendix 1: Corporate Scorecard 2020/21 (Environment)

Quarter 1: 1st April to 30th June 2020

Note: All performance values are cumulative (i.e. from 1st April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
OPS4: Percentage of Household Waste Recycled Service Manager: Operational Services Manager	23.37%	23.89%	25%	↑		The amount recycled has increased over the Covid-19 period and although just below target at the end of Q1 is an improvement on the same period last year. <i>Note: Figures are very early estimates and may be subject to change.</i>
OPS5: Percentage of Household Waste Composted (including food waste) Service Manager: Operational Services Manager	31.54%	31.76%	25%	↑		Performance is above target and an improvement on the same period last year. Composting percentage is always high during the spring due to high amount of garden waste produced. <i>Note: Figures are very early estimates and may be subject to change.</i>
SS2 Percentage of streets inspected which are deemed to be unsatisfactory using Code of Practice for Litter and Refuse methodology. Service Manager: Contracts Manager	6.60%	5.95%	Less than 10%	↑		Performance continues to meet target and is an improvement on the same period last year. Lockdown measures meant that during April and May litter levels were very low. However, from June onwards as lockdown measures started to ease, increase in litter was noted, particularly near and around fast food and takeaway outlets.

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
SS3: Fly tips removed within one working day Service Manager: Contracts Manager	99%	100%	90%	↑	✓	The pandemic and related lockdown had a negative effect on fly tipping; whilst the number of fly tips has decreased month on month in the first quarter there was an increase of about 30% over the same period last year. Despite this, all were removed within 24 hours, exceeding target.
SS14: Number of default notices served in relation to Highway Grass Verge cutting Service Manager: Contracts Manager	16	0	Under 45	N/A	N/A	The serving of Defaults for highway grass verge cutting was suspended due the pandemic. This was done as we could not predict the effect it would have on the contractor's staffing levels.
SS13: Number of service requests received in relation to Highway Grass Verge cutting Service Manager: Contracts Manager	67	40	Under 45	↑	✓	The Council was able to continue to cut grass during the pandemic even though the contractor's staffing levels were affected. There were 40 service requests received, meeting target, and down from 67 requests over the same period last year.

Annual Indicators (reported at Q4)



OPS2: Customer satisfaction with parks and open spaces; OPS3: Customer satisfaction with waste and recycling collection services; SS1: Public satisfaction with Council's efforts to keep public land clear of litter and refuse



Corporate Scorecard 2020/21 (Housing and Regeneration)

Quarter 1: 1st April to 30th June 2020

Note: All performance values are cumulative (i.e. from 1st April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
<p>HOS1: Overall tenant satisfaction with repairs and maintenance</p> <p>Service Manager: Housing Services Manager</p>	98.3%	100.0%	97%	↑	✓	<p>Satisfaction with repairs and maintenance was 100% in the first quarter of 2020/21, above target and an improvement on the same period last year.</p> <p>During April, May and June, only emergency jobs were carried out, reducing the number of repairs undertaken. Non-emergency maintenance resumed in July.</p>
<p>HOS6: Average Void Turnaround Time</p> <p>Service Manager: Housing Services Manager</p>	18.2 Days	112.0 Days	20.5 Days	↓	●	<p>In keeping with government guidance around Covid-19, properties that became empty were not re-let but held empty. This has impacted on performance this quarter. Taking into account the properties that were affected in this way, performance improves to 28 days.</p>
<p>DC7 & DC8: Percentage of planning applications processed within target time limits for major and non-major applications</p> <p>Service Manager: Planning & Development Enforcement Manager</p>	97.4%	97.8%	Major 60%	↑	✓	<p>Performance is now shown on a two-yearly rolling basis. Performance determining Major and Non-Major applications has improved since the same period last year and both are comfortably above Government-set targets</p>
	99.0%	99.2%	Non-Major 70%	↑	✓	

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
						<i>Note: Figures represent performance for 24 months to the end of December 2019 as Government-produced statistics to the end March 2020 are not yet available. This performance was presented to Cabinet in July 2020. If update figures are released before Cabinet on 16 September, they will be reported verbally at the meeting.</i>
BC1: Percentage of Building Control applications processed within statutory time limits Service Manager: Building Control Manager	100%	100%	100%	↔		All applications continue to be processed within time limits.
PP1: Progress of Local Plan against the milestones set out in the Local Development Scheme (LDS) Service Manager: Head of Place and Policy	0%	50%	100%	↑		<p>Full Council approved the draft Local Plan for Regulation 19 consultation on 22 October 2019. The Council also approved the LDS.</p> <p>Regulation 19 consultation was undertaken from December 2019 to February 2020 in accordance with the LDS.</p> <p>Further work has been undertaken to improve the soundness and legal compliance of the Local Plan in light of responses received to the consultation.</p> <p>The plan will be submitted for examination in public in September 2020.</p>

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
<p>PP2: Progress of the Joint Strategic Plan against the milestones set out in the Local Development Scheme (LDS)</p> <p>Service Manager: Head of Place and Policy</p>	0%	10%	100%	↑		<p>The JSP is part of a suite of documents that set out how the transformation will be achieved, and investment secured for south Essex.</p> <p>The preparation of the Joint Strategic Plan (JSP) has run concurrent with the development of the wider strategies for South Essex and will be based on those strategies.</p>
<p>NEW: Number of new affordable homes in the Borough</p> <p>Service Manager: Head of Place and Policy</p>	2 (2018/19)	0 (2019/20)	100 per annum	↓		<p>This shows figures for delivery in 2018/19 and 2019/20. These are significantly below the target in the Local Plan (approved for submission in October 2019) and consequently substantial action in terms of the use of S106 Agreements to secure affordable housing, and the building of affordable homes by the Council and Registered Provider partners is required to improve this figure.</p>


Corporate Scorecard 2020/21 (Health and Community Safety)

Quarter 1: 1st April to 30th June 2020

Note: All performance values are cumulative (i.e. from 1st April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
<p>HOT21 & HOT22: Percentage of prevention or relief duties which ended during the quarter with a successful outcome of:</p> <p>a) Homelessness Prevented b) Homelessness Relieved</p> <p>Service Manager: Housing Options Manager</p>	<p>a) 82% b) 32%</p>	<p>a) 72% b) 45%</p>	<p>a) 65% b) 45%</p>	<p>↓ ↑</p>	<p>✓ ✓</p>	<p>The Prevention duty ended in the period for 172 households of which we secured accommodation for 124 households (72%).</p> <p>The Relief duty ended in the period for 149 households of which we secured accommodation for 67 households (45%)</p> <p><i>Note: Figures represent performance for the quarter January 2019 to March 2020 as Government-produced statistics to the end June 2020 are not yet available.</i></p>
<p>EH2: Percentage of food premises that are awarded a score of at least 3 on the food hygiene rating scheme.</p> <p>Service Manager: Environmental Health Operational Manager</p>	93%	93%	90%	↔	✓	<p>402 of 434 rated premises were found to be broadly compliant and awarded 3* or over on the Food Hygiene Rating Scheme.</p>

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
<p>L1: Leisure satisfaction – Net Promoter Score</p> <p>a) Waterside Farm b) Runnymede</p> <p>Service Manager: Leisure and Community Services Manager</p>	<p>a) 73 b) 65</p>	N/A	67	N/A	N/A	<p>Both Leisure Centres were closed for the first quarter of 2020/21 and therefore no satisfaction surveys were conducted.</p> <p>Target has been increased to 67 based on performance over the last year. Nationally, leisure facilities score around 40-45 for Net Promoter Score.</p>
<p>L3: Leisure Memberships</p> <p>Service Manager: Leisure and Community Services Manager</p>	2968	2229	2950	↓	●	<p>Despite the closure of both leisure centres, the Council has retained 2229 members over the first quarter of 2020/21. Of the fall in memberships from the peak of 3021 at the end of 2019/20, half have cancelled their membership and half have frozen memberships.</p> <p>Since the re-opening of the gyms in July, the number of new memberships is greater than additional cancellations and so overall numbers are recovering.</p> <p>Reasons for cancellation or freezing memberships include: vulnerability to Covid-19 infection; job security and loss of income; awaiting pool re-opening; school re-opening in September; and alternative exercise regimes (although some good-weather dependent).</p>

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
						<p>The service is actively promoting new memberships “Wash your hands of Covid, not fitness” through local press and social media, specifically targeting younger members and those who are now working from home.</p> <p>People with cancelled and frozen memberships are also being contacted to encourage a return.</p> <p>The annual target for memberships will be revisited at the end of Q2 once trends on new and returning members is better understood.</p>
<p>NEW: Percentage of usable allotment plots owned and managed by Castle Point Borough Council that are vacant</p> <p>Service Manager: Operational Services Manager</p>	NEW	17%	15% (by March 2021)	N/A	 (on track)	<p>Of the 155 usable plots, 26 are currently vacant, 17% of the total.</p> <p>During the early strict Covid-19 lockdown the use of allotments was one of the very few activities that was still allowed under the government’s legislation. The Council’s sites were very well used with many residents not being able to do their day job or usual activities. Given how busy the sites were during this time and the social distancing requirements we did not offer any vacant plots to people on the waiting list during the first quarter.</p> <p>Whilst the sites were busy during this time a number of plots were not worked due to plot holders being</p>

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
						<p>required to shield or not feeling comfortable attending to their plots. The Council will shortly be writing to plot holders who have not worked their plots this year to find out whether they intend to start working their plots again or give them up for re-letting.</p> <p>The Council is now in the process of strimming/tidying up vacant plots before offering them to those on the waiting list (currently 110 residents) as people are reluctant to take on plots which are not in a decent condition and require a lot of work before being usable. Unfortunately, the inappropriate dumping of waste by some plot holders also delays the reallocation of plots.</p> <p>There will inevitably always be some vacant plots whilst it is the Council's policy to take back plots which are not being worked rather than let residents retain plots they are not working indefinitely.</p> <p>The Council aims to reduce the number of vacant plots to 15% by the end of March 2021 and to 10% by end of March 2022.</p>

Annual Indicators

NEW: Proportion of people participating in physical activity; NEW: Proportion of people who feel unsafe after dark

Corporate Scorecard 2020/21 (A Commercial and Democratically Accountable Council)

Quarter 1: 1st April to 30th June 2020

Note: All performance values are cumulative (i.e. from 1st April to end of June/September/December/March) unless otherwise stated

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
<p>FC1: Percentage of calls taken from customers by First Contact that are dealt with without the need to transfer to the back office</p> <p>Service Manager: Revenues & Benefits Transformation Manager</p>	95%	96%	95%	↑	✓	The First Contact team continue to deal with queries effectively; 96% of calls received were dealt with at the first point of contact without the need to transfer to the back office.
<p>CORP1: Average number of days sickness absence per FTE staff for all Council Services (rolling year)</p> <p>a) Short term b) Long term</p> <p>Service Manager: Human Resources Manager</p>	<p>a) 4.9 days b) 4.5 days</p>	<p>a) 4.9 days b) 5.4 days</p>	<p>a) 4.6 days b) 3.9 days</p>	<p>↔ ↓</p>	<p>⚠ 🔴</p>	<p>This measure shows sickness absence levels split by short-term and long-term (4 calendar weeks or more). Both are reported on a rolling year and targets have been adjusted considering past performance and comparative data.</p> <p>Short-term sickness absence is 4.9 days which is just above the target.</p> <p>Long-term sickness absence is 5.4 days missing target and up from 4.5 days at the same time last year. This figure is affected by a small number of employees with serious health conditions/disabilities,</p>

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
						<p>one of whom has now been granted an ill health retirement.</p> <p>During the Covid-19 pandemic sickness levels have been low, but the rolling year figure remains above target due to high levels of absence in the winter months.</p>
<p>OPS16: Number of wheeled bin garden waste subscribers</p> <p>Service Manager: Operational Services Manager</p>	8528	10658	Annual Target 8970	↑	✓	<p>The service has an annual target of 8970 subscribers to the wheeled bin garden waste collection service, which has already been exceeded in the first quarter of 2020/21 as a result of an increase in garden waste produced during lockdown.</p> <p>The service will review the number of subscribers at the end of the second quarter and revise the year-end target accordingly.</p>
<p>REVISED: Channel shift to online services:</p> <p>a) Take up of e-billing services for Council Tax and Business Rates</p> <p>b) Use of OPENChannel online forms</p>	<p>a)7096</p> <p>b) 109</p>	<p>a)7834</p> <p>b) 343</p>	<p>a)7125</p> <p>b)1000 (Annual target)</p>	<p>↑</p> <p>↑</p>	<p>✓</p> <p>✓ (on track)</p>	<p>The number of customers signed up to the e-billing service has increased since the same period last year and is on target – annual target of 8,000 with expected value of 7,125 at the end of the first quarter.</p> <p>Over Q1 2020/21, there were 343 Council Tax transactions completed online via OPENChannel (new occupations, vacations, single adult discount applications, payment method changes)</p>

PI Code & Short Name	Q1 Value 2019 / 2020	Q1 Value 2020 / 2021	Target	Trend	Status	Comments
Service Manager: Revenues & Benefits Transformation Manager						
NEW: Average time to process housing benefit claims: a) New claims b) Change of circumstances Service Manager: Revenues & Benefits Transformation Manager	a) 22 b) 8	a) 21 b) 7	a) 21 b) 7	↑ ↑	✓ ✓	<p>Performance in processing housing benefit claims has improved from the same period last year and is on target for both new claims and change of circumstances.</p> <p>The impact of Covid-19 – on the economy, workforce, and the introduction of support packages and easements cascaded down from central government – can be seen when comparing the volume of work this quarter with the same quarter last year:</p> <ul style="list-style-type: none"> • New claims received showed an increase in Q1 2020/21 of 55% • All work items received and processed showed an increase in Q1 2020/21 of 27% • E-mails from customers and third parties showed an increase in Q1 2020/21 of 65% <p>Despite this, the team has continued to perform well and 96% of claims are processed within 14 days.</p>

CABINET

16th September 2020

Subject: Financial Update and COVID-19 Government Assistance

Cabinet Member: Councillor Varker - Resources

1. Purpose of Report

This report is intended to:

- **Provide Cabinet with the latest 2020/21 forecast in respect of the General Fund.**
- **Update Cabinet on developments of a financial nature in relation to the impacts of COVID-19 on the Council and the assistance being received from Government.**

2. Links to Council's Priorities and Objectives

This report is linked to the Council's priority of Commercial and Democratically Accountable Council, although sound and strategic financial management is essential to ensure that resources are available to support all the Council's priorities.

3. Recommendations

- 3.1 That Cabinet note the expected financial impact of COVID-19 in 2020/21 and the financial assistance received from Government.**
- 3.2 That Cabinet approve, in recognition of additional Government support, the reversal of the budget amendments shown in paragraph 7.9 which were previously agreed at June Cabinet within the report titled COVID-19 Public Health Emergency and Recovery.**
- 3.3 That Cabinet note the financial forecast contained at Appendix 1.**
-

4. Background

- 4.1 The Financial Planning Strategy is incorporated within the Policy Framework and Budget report which is approved by Council in February each year. The strategy requires the submission of a Medium Term Financial Forecast which sets the budget for the year, enabling Cabinet to monitor latest estimates of spending and resources, and take appropriate action to ensure that the Council's financial targets are met.**
- 4.2 The impact of lockdown and the consequential disruption to services, facilities and projects has had a significant impact on the Council's financial plans. To assist with managing this impact, the Government has provided additional grant funding.**

5. 2020/21 General Fund Revenue Forecast

- 5.1 The current General Fund financial forecast, excluding COVID-19 impacts, is in line with budget assuming the recommendations within this report are agreed. An updated financial forecast is shown at Appendix 1.
- 5.2 The Local Government pay negotiations which were referred to in the update report to Cabinet in July are now concluded and the financial impact included within the forecast at appendix 1. Cabinet were advised that if accepted the pay offer would exceed the value assumed within the Council's budget by **£88k**. As a result of COVID-19, the Council has been holding a number of vacancies since April the value of which will fully mitigate these additional costs in 2020/21. Implications for future years will be addressed as part of the budget setting process for 2021/22 which has now commenced.
- 5.3 As previously reported to Cabinet, there is uncertainty with regards to the comingled waste contract due to significant fluctuations in price per tonne. April was £78.99 per tonne, by June this had fallen to £39.53 per tonne and for July this has increased again to £69.22 per tonne. At present, this is resulting in a forecast overspend of **£26k** which will be funded from the earmarked reserve established during the 2020/21 budget process.
- 5.4 There is currently a potential underspend of **£12k** in relation to housing benefit payments and subsidy income. However, there is an extremely high value of benefits expenditure and subsidy income with constant changes in the number of recipients and as a result there will be fluctuation between now and the end of the financial year.

6. 2020/21 General Fund Capital Forecast

- 6.1 The current forecast against the General Fund capital budget is an underspend of **£80k** before slippage to 2021/22.
- 6.2 The playground equipment replacement scheme at Thundersley Recreation Ground is no longer able to be completed in 2020/21, resulting in slippage of **£80k**. It was originally intended to have the scheme completed prior to the school summer holidays, but due to COVID-19 it was not possible to consult with the children on scheme designs. It is now proposed to complete this scheme in 2021/22.
- 6.3 The Disabled Facilities Grant, which helps disabled occupants with the cost of adapting their homes to meet their care needs, is currently forecasting an underspend of **£397k**, in part due to delays to works as a result of COVID-19. Any underspend on this scheme is held in reserves for future use and therefore does not result in an underspend at the end of the year.

7. Financial Impact of COVID-19 and Government Assistance

- 7.1 In July it was reported to Cabinet that the financial impact on the Council in 2020/21 caused by COVID-19 was forecast at **£2.292m**, with this being mitigated in part by grant funding from the Government of **£894k** and Cabinet agreeing to changes to the budget totalling **£774k** (which included the use of the furlough scheme). This still left **£623k** to be addressed.

- 7.2 As a result of updated assumptions, the impact predicted for the remainder of the financial year has reduced by **£153k** resulting in a predicted impact of **£2.139m** in 2020/21.
- 7.3 In mid-July, the Government announced a third tranche of grant funding. The allocation to the Council from this third tranche was **£140k**, taking the total grant funding received in 2020/21 up to **£1.034m**.
- 7.4 On 2nd July 2020, a major new scheme was announced by Local Government Secretary Robert Jenrick which is intended to “help to reimburse lost income during the pandemic and boost cash flow”.
- 7.5 On 24th August 2020 the detailed guidance for this new scheme was published. This guidance was in line with the draft high-level details previously released and confirms that for eligible income losses, the Government will provide funding which reimburses the Council for 75% of losses beyond the first 5% of budgeted income.
- 7.6 The eligible income losses covered by the scheme are those where the lost income would have been generated by sales, fees and charges to customers (excluding rental charges) and where the income is permanently lost and won't be recovered in the financial year. Therefore, the majority of the lost income the Council has suffered is eligible for the scheme.
- 7.7 The implications of the scheme and the associated detailed guidance have now been worked through and it is forecast that **the impact of COVID-19 on the Council of £2.139m is fully mitigated** through a combination of grant funding, use of the furlough scheme and the new income loss scheme. The below table summarises the expected 2020/21 financial impact of COVID-19 on the Council.

	£m
Net pressure caused by COVID-19	2.139
Grant funding from Government	(1.034)
Income loss covered by Government	(0.900)
Use of Furlough scheme	(0.205)
Total	Nil

- 7.8 As a result of this changed position, there is an opportunity to reverse some of the budget adjustments agreed by Cabinet in June.
- 7.9 It is therefore recommended that the following budget changes agreed in June are reversed:

<u>Projects deferred to 2021/22</u>			
a)	Borough wide upgrade of CCTV	£34,500	Previously budgeted for at £45k , an updated quote has now been obtained and the project can be completed at lower cost.
b)	Runnymede Hall Disability Discrimination	£3,200	Due to limitations on when the works can take place, this scheme will not be able to complete until Summer

	Act (DDA) Improvements		2021. However, the design element of the scheme can be progressed, with the remaining scheme budget of £36,800 being required in 2021/22.
c)	Pathway at Smallgains open space	£8,500	
<u>Financial planning changes</u>			
d)	Section 31 grant applied into an earmarked reserve	£200,000	To be set aside to smooth the impact of future year fluctuations in business rates.
e)	Funds set aside in respect of the three year advanced pension payment	£250,000	No longer spreading this sum across years 2021/22 to 2023/24 removes the pressure in those years this would have created.

7.10 It should be noted that there will likely be an impact of COVID-19 on 2021/22, particularly in relation to car parking income.

8. Corporate Implications

a) Legal implications

This report is presented on behalf of the “section 151 officer” – the officer appointed to have responsibility for the Council’s financial administration. It is their duty to ensure that the Council is regularly informed and updated on these matters.

b) Human Resources and equality implications

There are no Human Resource/equality implications arising directly from this report.

c) Timescale for implementation and risk factors

The budget report presented to the Cabinet meeting in February and Council on the same night indicated some risk areas that the Cabinet should be mindful of until the position and risk relating to each has been clarified.

The financial implications of COVID-19 on future years are yet to be determined. It is expected that as recovery continues in the coming months, reasoned estimates can be formed.

Report Author: Chris Mills, Strategic Director (Resources)

Background Papers:

- Policy Framework & Budget Setting 2020/21, incorporating the Financial Planning Strategy. (February 2020)
- COVID-19 Public Health Emergency and Recovery. (June 2020 Cabinet)
- Financial Update. (July Cabinet)
- COVID-19 Financial modelling (CPBC) (on-going)

Appendix 1 - Financial Forecast incorporating changes reported to Cabinet in September 2020

Table 4.1 Medium term financial forecast		2020/21	2021/22	2022/23	Notes
Line	Current policies and service plans	£'000s	£'000s	£'000s	
1	Total net expenditure / estimated exp. for future years	12,839	10,374	10,469	Fluctuations year to year are predominantly caused by phasing of maintenance spend, pension payments and other expenditure "offset" by earmarked reserves
2	Changes to Budget since February 2020 including impact of COVID-19	2,139	178	162	
		14,978	10,552	10,631	
	Funding sources				
3	Council Tax	8,150	8,376	8,637	Introduction of new funding regime deferred until 2022/23
4	Business Rates (related transactions)	2,814	2,297	2,331	
5	New Homes Bonus	218	17	13	
6	Capital grants and other grants and contributions	3,903	200	200	Includes £1,934k COVID-19 funding and £205k furlough funding (to date)
7	Net Collection Fund(s) surplus / (deficit)	49	0	0	Potential for increased deficits in future years resulting from economic impact of COVID-19
8	Transfer (to) / from General reserve	(18)	0	0	Net movement includes NNDR Equalisation Reserve - used to offset specific business rates related transactions and variances and Pension Reserve (every 3 years).
9	Transfer (to) / from Earmarked reserves	(138)	(737)	(1,111)	
10	Total funding sources	14,978	10,153	10,070	
11	Budget / Funding Gap	0	(399)	(561)	
	General Reserve	£'000s	£'000s	£'000s	
12	Balance at start of year	5,523	5,336	4,522	Minimum recommended balance for General Reserves is £2m *** Sufficiency of reserve levels are to be reviewed in response to COVID-
13	Contribution (to) / from General Fund (line 8 & 11)	18	(399)	(561)	
14	Potential planning appeals & associated legal costs	(205)	(415)	(910)	
15	Balance / (deficit) at end of year	5,336	4,522	3,051	
	Earmarked Reserves	£'000s	£'000s	£'000s	
16	Balance at start of year	10,698	9,787	9,979	The timing of the use of earmarked reserves is, due to their nature, generally unprecise Earmarked reserves are reviewed annually to ensure sufficiency and where need has diminished funds will be returned to General Reserves
17	Contribution (to) / from General Fund (line 9)	138	737	1,111	
18	Total other expected usage of earmarked reserves - not allocated within the detailed budget	(1,049)	(545)	(715)	
19	Balance at end of year	9,787	9,979	10,375	
	Council Tax				Target increases within Council Tax referendum limits. The tax at band D does not include the amount charged by Canvey Island Town Council.
20	Tax at band D	263.16	268.38	273.69	
21	Increase	1.99%	1.98%	1.98%	

CABINET

16th September 2020

Subject: Arrangements for the Disposal of Non- Recyclable Waste

Cabinet Members: Councillor Sheldon – Environment

1. Purpose of Report

This report advises Cabinet of the arrangements that Essex County Council (ECC) has been put in place for the disposal of non-recyclable waste subsequent to the operator of the Mechanical Biological Treatment facility at Courtauld Road, Basildon known as the Tovi Eco Plant, suspending deliveries of waste into the plant from 29 June 2020.

2. Links to Council's priorities and objectives

This proposal links with the Council's Environment objective.

3. Recommendations

It is recommended that Cabinet note the content of this report.

4. Background

In two tier local government areas such as Essex, the County Council as the Waste Disposal Authority (WDA) is responsible for waste disposal and the Borough/District/City Councils as Waste Collection Authorities (WCAs) are responsible for the collection of waste and delivery to a disposal /treatment facility as directed by the WDA.

On 31 May 2012, Essex County Council entered into a 25-year contract with UBB Waste (Essex) Limited for the design, construction, financing, commissioning, operation and maintenance of a mechanical biological waste treatment ("MBT") plant in Basildon to process the county's household waste. The facility was built and on 25 November 2014 it was certified as having passed the Readiness Tests. The facility then entered the Commissioning Period and was required to pass the

Acceptance Tests before 12 July 2015. The facility failed to pass the Acceptance Tests either by 12 July 2015 or by the Acceptance Longstop Date of 12 January 2017.

This resulted in a long and costly legal battle in the High Court with ECC claiming that UBB had failed to design and construct the facility so that it was capable of passing the Acceptance Tests and UBB principally arguing that the performance of the facility was critically dependent on the composition of the waste delivered to the plant and that the waste being delivered to the plant differed from the assumed waste composition information that they had been provided with at the time of tendering for the contract.

The judgement which was very positive for ECC was published in June 2020. Subsequent to the publication of the judgement the facility operator from Monday, 29 June, suspended all deliveries of waste into the facility. ECC was subsequently notified in early August that the secured creditors of UBB Waste (Essex) Ltd had taken the decision to put the company into administrative receivership.

ECC maintains a short-term contingency framework contract for the disposal of all outputs produced by the Mechanical and Biological Treatment (MBT) plant, and to meet waste disposal needs for any periods of MBT unavailability. This framework contract has been in place since 2017.

Following the suspension of deliveries into the MBT plant by UBB Essex Ltd the residual waste from Castle Point has been disposed of via ECC's framework arrangement with James Waste Management in Rochford. The waste is disposed of, via their waste transfer station, primarily to the Ockendon landfill site.

The current service order with James Waste expires in March 2021 and ECC is in the process of running a mini-competition under the framework to assign tonnages for the period beyond this date.

ECC's contingency arrangements have ensured that Essex residents do not experience any interruption to their waste collections as a result of the Tovi Eco Park not accepting deliveries of waste.

5. Corporate Implications

a. Financial implications

There is a tipping away payment agreement in place between ECC and the WCAs for when WCAs are directed to deliver waste beyond 5 miles of the district /borough boundary. This payment seeks to compensate WCAs for the additional costs they incur because of the increased travel times/fuel.

The WCAs are paid £0.94 per laden mile for every mile travelled beyond 5 miles of the borough boundary.

The Council has received approximately £1600 per month in tipping away payments since it was directed by ECC to deliver waste to James Waste.

b. Legal implications

The Council as a WCA must deliver waste for disposal/treatment as directed by ECC the WDA.

c. Human resources and equality implications

None. Despite the longer travel times refuse crews have still been able to complete their rounds within 37 hours per week.

d. Timescale for implementation and risk factors

The current arrangements will continue until March 2021. ECC will be able to confirm the waste disposal arrangements beyond that date for the residual waste from Castle Point once the mini competition exercise has been run.

6. Background Papers:

None

Report Author: Trudie Bragg, Head of Environment

CABINET

16th September 2020

Subject: Climate Change and Carbon Reduction

Cabinet Member: Councillor Sheldon - Environment

1. Purpose of Report

This report aims:

- 1. To provide background information and the reasons for production of this report**
- 2. To provide context and introduce the current scientific opinion on Climate Change and of the report of the United Nations Intergovernmental Panel on Climate Change, current climate reduction works undertaken by CPBC and of the current direction of travel with regards to action taken by other UK local authorities.**
- 3. To highlight matters that were considered by Environment Policy and Scrutiny Committee on 25th August 2020.**
- 4. To make recommendations for further work in the area of Climate Change and Carbon Reduction and ask Cabinet to further consider a political declaration of a 'Climate and Ecological Emergency' within Castle Point.**

2. Links to Council's Priorities and Objectives

The report links directly with the Council's Environment objective.

3. Recommendations

- a) For the Council to take a more corporate approach to climate change by the setting up of an officer group to act as a discussion forum, sharing of knowledge and resource, and preparation of an action plan of carbon reduction works and other initiatives, to guide the Council's activities going forward.

- b) To note that Committee considered the declaration of a 'climate and ecological emergency' within Castle Point and the creation of an associated action plan with the aim of reducing organisational carbon emissions to 'net-zero,' with a small majority agreeing that this course of action should be taken. Cabinet are invited to consider this matter further and to take a final decision on this matter.
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2. Background – Climate Change and Carbon Reduction

At its meeting on 22nd October 2019 Ordinary Council considered a report from Cabinet on the Motion to Council in respect of a Borough wide tree planting campaign, which due to its potential financial implications was referred without debate to Cabinet.

The report suggested that a more strategic and co-ordinated approach to tackling climate change would ensure that maximum benefit is derived from the resources allocated to addressing it. It also stated that there is an opportunity for this Council to take a leadership role in this work and to assist households, businesses and agencies in Castle Point to take advantage of the opportunities associated with reducing carbon emissions.

Council agreed the recommendation from Cabinet that the Motion be referred to the Environment Policy and Scrutiny Committee to be considered as part of a task to look at what action the Council can take to tackle the growing global threat of climate change and to report back its findings and recommendations to Cabinet.

3. Meeting of Environment Policy and Scrutiny Committee.

Environment Policy and Scrutiny Committee met on 25th August 2020. A report was presented to members by the Environmental Health Operational Manager, to provide Councillors with background context including information on the scientific consensus regarding climate change and the United Nations Intergovernmental Panel on Climate Change. Further details are attached in Appendix A.

The report described recent, current and future work in the area of carbon reduction and energy efficiency by CPBC service areas, of which details are attached in Appendix B.

Committee were also informed of the general approach taken by other UK local authorities regarding climate change, which are detailed in appendix C. This included the potential declaration of a Climate and Ecological Emergency within the Borough.

4. Consideration by Environment Policy and Scrutiny Committee

The following areas were highlighted as discussion points in the report and were considered by members part of their deliberations:

- i. Is Committee satisfied with the range of corporate carbon reduction initiatives that have been highlighted the report?
- ii. Is the Committee happy with the current approach taken by the Council towards Carbon Reduction or should the council take a more corporate / strategic approach to climate change?
- iii. Does Committee wish to consider the declaration of a Climate and Ecological Emergency within the Borough or are they happy that our current arrangements meet the Councils requirements / goals?
- iv. Are there any other specific schemes or areas of concern that committee would like to suggest to Cabinet to consider regarding Climate Change or Carbon Reduction?

5. Recommendations made by Environment Policy and Scrutiny Committee to Cabinet

Committee were generally happy with the range of current climate reduction initiatives that were described but considered that more could be done and were in support of Council additionally taking a more corporate approach to climate change.

Recommendations made to Cabinet:

- a) For the Council to take a more corporate approach to climate change by the setting up of an officer group to act as a discussion forum, sharing of knowledge and resource, and to prepare an action plan of carbon reduction works and other initiatives, to guide the Council's activities going forward.
- b) To note that Committee considered the declaration of a 'climate and ecological emergency' within Castle Point and the creation of an associated action plan with the aim of reducing organisational carbon emissions to 'net-zero,' with a small majority agreeing that this course of action should be taken. Cabinet are invited to consider this matter further and to take a final decision on this matter.

6. Additional commentary

- a) An action plan can take many forms, but the following is proposed as a for its initial development, with the focus on creating and maintaining momentum in this important area of work:
 - i) **a permanent Climate Change officer group, with appropriate service representation be set up with a full term of reference, to consider and enable carbon reduction action planning and monitoring, sharing of best practice, highlight and champion the work and progress of CPBC in this area to Councillors and other parties.**

It is acknowledged that Castle Point Council does not currently have officer resource dedicated to this area of work, however where possible the intent would be to seek to engage with other Councils, organisations and groups to leverage resource and share the expertise, knowledge and experience of others.

- ii) **That the officer group undertakes an initial baseline assessment of the carbon emissions arising from the Councils activities (i.e. an organisational assessment) including energy use emissions from buildings, operations and vehicles.**

The intention is that the Council can then effectively set targets and monitor emissions and carbon savings for the activities under its direct control.

- iii) **That the officer group then compiles a fuller action plan to initially cover the Council's (internal) response to Climate Change and Carbon Reduction, within 1 year, with reference to any specific targets that have been set.**

It is proposed that the initial action plan incorporate and focus on the Councils own activities (for instance energy use, emissions from buildings, operations and vehicles) as this is the area which can be influenced most strongly by the relevant service areas. It is proposed that consideration is also given to activities both under the Councils direct control and in our more general sphere of influence, such as the setting of policies, working with partners and other parties to produce a coordinated approach to carbon reduction. For instance, this may include working with partners on green infrastructure and environmental improvements, such as the planting of trees to help to mitigate the emissions within the Borough and the improvement of home energy efficiency, via the promotion of government grants.

It is intended that any action plan can be updated from time to time as and when new initiatives come on stream or to reflect changes in legislation, government guidance, policies or targets.

- iv) **That the officer group provides periodic update reports to Councillors.**

This will enable Councillors to be kept informed and scrutinise the activities of the officer group.

- b) If Cabinet indicated that they additionally did wish to declare a climate and ecological emergency, further work will need to be undertaken to decide upon a form of wording that satisfies the aims and ambitions of Cabinet and the Council. When deciding on a form of wording, Members should note the limited in-house resource available to complete additional activities / works, should a 'net-zero' target be decided upon.

7. Financial implications

It is assumed that any short-term projects would need to be met within existing resource or external grant funding. There may be some costs for establishing the Councils baseline carbon output and as there is no dedicated officer resource, there may be at various stages the requirement to pay for advice.

In the medium term it needs to be recognised that implementing some of the possible measures that will be needed to achieve a net-zero carbon position, should this target be set and/or a 'climate and ecological emergency' be declared, could have significant financial implications.

It is envisaged that when more ambitious projects are contemplated, the financial implications will need to be considered alongside their potential climate and ecological benefits to determine the key areas for investment. These in turn will need to be ranked against possibly competing priorities or financial constraints on the Council at the time.

8 Legal Implications

There are no legal implications with regard to the production of an action plan.

If a Climate and Ecological Emergency was declared, this does not in itself, bind the Council to any statutory duties to make its activities net-zero carbon by a set date.

9 Human Resources

There are no specific human resource implications other than an expectation that employees would take personal responsibility for their behaviour and actions in response to any Council Direction or if other commitment were to be made by Cabinet.

10 Equality Implications

There are no specific equalities implications regarding this report.

11 Timescale for implementation and Risk Factors

Implementing recommendation (a) will require additional discussion and work to be undertaken by officers, in similar authorities, action plans have taken up to 12 months to formalise, depending on the targets set. If Cabinet indicated that a Climate and Ecological Emergency be declared (b), then this will initially require some additional consultation to come up with a form of wording satisfactory to members and would require production of a further report for consideration by Cabinet.

Report Author – Simon Llewellyn
Environmental Health Operational Manager
sllewellyn@castlepoint.gov.uk

Appendix A – Context provided to Environment PSC - Climate Change and Scientific Consensus and the United Nations Intergovernmental Panel on Climate Change

Introduction

There is clear evidence to show that climate change is happening. Measurements show that the average temperature at the Earth's surface has risen by about 1°C since the pre-industrial period. 17 of the 18 warmest years on record have occurred in the 21st century and each of the last 3 decades have been hotter than the previous one. This change in temperature hasn't been the same everywhere; the increase has been greater over land than over the oceans and has been particularly fast in the Arctic.

The UK is already affected by rising temperatures. The most recent decade (2008-2017) has been on average 0.8 °C warmer than the 1961-1990 average. All ten of the warmest years in the UK have occurred since 1990 with the nine warmest occurring since 2002.

Although the climate is warming in the long-term, note that temperatures aren't expected to rise every single year. Natural fluctuations will still cause unusually cold years and seasons, but these events will become less likely.

Along with warming at the Earth's surface, many other changes in the climate are occurring:

- warming oceans
- melting polar ice and glaciers
- rising sea levels
- more extreme weather events

Causes of Climate Change

Rising levels of carbon dioxide and other greenhouse gases, such as methane, in the atmosphere create a 'greenhouse effect', trapping the Sun's energy and causing the Earth, and in particular the oceans, to warm. Heating of the ocean's accounts for over nine-tenths of the trapped energy. Scientists have known about this greenhouse effect since the 19th Century.

The higher the amounts of greenhouse gases in the atmosphere, the warmer the Earth becomes. Recent climate change is happening largely as a result of this warming, with smaller contributions from natural influences like variations in the Sun's output.

Carbon dioxide levels have increased by about 45% since before the industrial revolution. Other greenhouse gases have increased by similarly large amounts. All the evidence shows that this increase in greenhouse gases is almost entirely due to human activity. The increase is mainly caused by:

- burning of fossil fuels for energy
- agriculture and deforestation
- the manufacture of cement, chemicals and metals

About 43% of the carbon dioxide produced goes into the atmosphere, and the rest is absorbed by plants and the oceans. Deforestation reduces the number of trees absorbing carbon dioxide and releases the carbon contained in those trees back into the atmosphere.

The effects of rising temperatures on the UK

Even if global temperature increases are limited to 2°C or less, there are projected to be impacts for the UK. Temperatures over land would be expected to increase by more than the 2°C global average. In a 2°C world in the UK there could be a 30% decrease in river flows during 'dry' periods, a 5-20% increase in river flows during 'wet' periods, and between 700 and 1,000 more heat-related deaths per year in South-East England compared to today.

In a 4°C world in the UK impacts become increasingly severe and may not be avoidable through adaptation. For example, damages caused by river, coastal and surface water flooding all increase markedly with 4°C of warming. Residual flood risks remain high under all adaptation scenarios considered, suggesting limits in the amount of risk that can be avoided through investment in flood defences and other responses. Potentially irreversible impacts to the natural environment are projected with 4°C of warming, including risks to species in protected areas and internationally important UK bird populations. Extreme weather events in the UK are also likely to increase with rising temperatures, causing:

- heavier rainfall events – with increased risk of flooding
- higher sea levels – with larger storm waves putting a strain on the UK's coastal defences. This is likely to have an impact on low lying coastal areas such as the East Coast of the UK and of Canvey Island in particular in the Castle Point Borough.
- more and longer-lasting heat waves

The effect of warming on rainfall patterns and water supplies

Changing rainfall patterns will affect water supplies. Too much rainfall in a short amount of time in some areas and not enough in other areas will contribute to both flood and drought conditions. We are already seeing increasing numbers of heavy rainfall events, and expect this increase to continue, with greater risk of river and surface water flash flooding.

Mountain glaciers are expected to continue melting which, along with reduced snow cover, will put stress on communities that rely on these as sources of water.

Changes in the oceans

Increasing temperatures and acidification of the oceans are threatening marine ecosystems around the world. Coral reefs will be at major risk if ocean temperatures keep increasing.

Sea levels will keep rising as the polar ice sheets and glaciers melt and the warming oceans expand. Even small increases of tens of centimetres could put thousands of lives and settlements at risk from coastal flooding during stormy weather.

Coastal cities with dense populations are particularly vulnerable, especially those that can't afford flood protection. Low lying areas of Castle Point such as Canvey Island are of particular risk.

The impact of warming on food production

Increased temperatures, changes to rainfall patterns, and an increased risk of extreme weather events will all negatively affect the production of major food crops such as wheat, rice and maize. In tropical and temperate regions, climate change without adaptation will have a negative impact on these crops for local temperature increases of 2°C or more, although some individual locations may benefit. Overall, we expect that warming will cause more negative effects than positive ones on crop production. At higher levels of warming this will cause a growing gap between food demand and supply.

Because trade networks are increasingly global, the effects of extreme weather events in one part of the world will affect food supply in another. For example, floods or droughts that damage crops in Eastern Europe or the US can directly affect the cost and availability of food in the UK.

The impact on ecosystems

Rapid, large changes in global temperatures (4°C or more above the pre-industrial temperature by the end of this century) and changes in rainfall patterns will increase the vulnerability of many species to climate change and may lead to the extinction of entire species. Even with smaller amounts of warming many species will be placed at greater risk. The animals and plants most at risk will be those that:

- have no new habitats to move to
- can't move quickly to new habitats
- are already under threat from other factors, such as overharvesting or habitat loss and degradation because of human activity

Extinctions and changes in the number of species in a population will have an enormous impact on food chains. Most ecosystems would struggle to function as they currently do under large changes in climate that happen rapidly within a century or so.

The impact on human health

Climate change is expected to make some existing health problems worse as temperatures increase. Malnutrition could become more widespread as crop yields are affected by increased drought conditions in some regions, leading to reduced food production. Warmer temperatures could increase the range over which disease-carrying insects are able to survive and thrive. Vulnerable people will be at risk of increased heat exposure and the number of deaths due to temperature extremes is expected to increase in the future, although in the long term there will likely be fewer health problems related to cold temperatures. The amount of people at significant risk from flooding is expected to increase in the future and some studies have shown that there is likely to be an increase in disease relating to worsening air pollution. The populations likely to be most affected by the health impacts of climate change are those that are already hardest hit by climate change, particularly in developing countries.

Poverty

People with low income in both developed and developing countries will be most vulnerable to the impacts of climate change. Decreasing food production, an increase in health issues associated with climate change, and more extreme weather will slow economic growth, making it increasingly difficult to reduce poverty.

The impact of extreme weather events globally

Growing populations and increasingly expensive infrastructure are making our societies more vulnerable to extreme weather events. Heat waves and droughts are expected to become more common and more intense over the coming century, and more frequent heavy rainfall events and rising sea levels will increase the risk of floods.

While not all extreme weather events can be directly linked to human influences, we are already seeing the huge impacts on society that extreme weather events can have. The World Meteorological Organization (WMO) reported that between 2001 and 2010 extreme weather events caused:

- more than 370,000 deaths worldwide (including a large increase in heatwave deaths from 6,000 to 136,000) – 20% higher than the previous decade
- an estimated £660 billion of economic damage – 54% higher than in the previous decade

Research has shown that the record global average temperature and the extreme heatwave in Asia during 2016 would not have happened without warming due to human activity. Human-caused climate change also influenced other events in 2016, including extreme heat in the Arctic, the duration of coral bleaching in the Great Barrier Reef, the increased the risk of wildfires in the western US, extreme rainfall in China and drought conditions in South Africa that led to food shortages.

Possible abrupt changes in our climate

Most discussions of climate change look at what is most likely to happen, such as the likely temperature changes if we do, or don't, take action to reduce greenhouse gas emissions.

But scientists have identified the possibility that with sustained high temperatures major elements of the Earth's climate could be drastically altered. These 'tipping points' in our climate are less likely, but potentially much more dangerous.

While known impacts from small temperature rises could be managed (although this will become increasingly expensive as temperatures increase), passing a tipping point could cause large or abrupt changes, some of which may be effectively irreversible.

For example:

- Arctic permafrost could thaw rapidly, releasing greenhouse gases that are currently 'locked away' and causing further rapid warming
- the great sheet of ice covering Greenland, which contains enough ice to cause up to 7 metres of sea level rise, could melt almost entirely. While this would take a long time to happen, it is possible that the ice sheet would not be able to regrow after a certain amount of melting occurs.

While such events are considered unlikely, they can't be ruled out, even under relatively low temperature rises of less than 2 °C above the pre-industrial temperature. All indications are that, should we pass one of these tipping points, there would be a range of extremely severe and potentially irreversible impacts.

The UN Intergovernmental Body on Climate Change and agreement amongst experts

The Intergovernmental Body on Climate Change is an independent body composed of scientists from around the world. It has been tasked by the United Nations to assess and review the most recent scientific, technical and socio-economic evidence related to climate change. The IPCC's Fifth Assessment science report concluded that the scientific evidence for a warming climate is indisputable and that 'human influence on the climate system is clear'.

The UK Government has always fully supported the work of the IPCC and regards its assessments as the most authoritative view on the science of climate change available.

In October 2018 the IPCC published a Special Report on Global Warming of 1.5 °C. The report showed that there is a range of pathways that could be followed to limit warming to 1.5°C above pre-industrial levels, but these all require a profound and unprecedented cross-sectoral transformation of our energy, land, urban and industrial systems globally. Under all plausible scenarios that limit warming to 1.5°C, carbon dioxide and other greenhouse gas emissions must peak imminently then decline rapidly (by about 45% from 2010 levels by 2030), with carbon dioxide emissions reaching net zero around 2050.

It is still possible to limit warming to 1.5°C; globally achieving this will require strong and rapid mitigation of greenhouse gases and the use of greenhouse gas removal (GGR) technologies, to directly remove carbon dioxide and other greenhouse gases from the atmosphere. Such methods could involve, for example, planting trees, biofuel crops coupled with capture and storage of released carbon, and machines to directly capture carbon from air. Pilot studies and further analysis are needed for these and other options, to explore if they are commercially and technically feasible on a global scale.

Tackling Climate Change

If we act to radically reduce greenhouse gas emissions now, there's a good chance that we can limit average global temperature rises to 2°C above pre-industrial levels. This doesn't mean that there will be no more changes in the climate – warming is already happening – but we could limit, adapt to and manage these changes.

If action is taken now:

- we will avoid burdening future generations with greater impacts and costs of climate change
- economies will be able to cope better by mitigating environmental risks and improving energy efficiency
- there will be wider benefits to health, energy security and biodiversity
- We will contribute towards minimisation of potential adverse physical impacts on the Castle Point Borough, such as rising sea levels in a low-lying area.

Appendix B - Recent, Current and Future Work in the area of Carbon Reduction by CPBC service areas.

Individual Service areas within Castle Point Borough Council have taken a proactive role in reducing carbon emissions regarding their activities, some of the Recent (R) Current (C) and Planned (P) initiatives are highlighted in the below table:

Service area	Initiative title	Details	
Housing	Heating replacement	Annual programme to replace older boilers, with the latest energy efficient models. This equated to a £250,000 investment in 2019/20 approx. 210 units.	C
Housing	Heating replacement	20/21 programme to include approx. 75 old boiler replacement to include energy efficiency programme and those beyond economic repair.	P
Housing	Loft insulation	Programme of loft insulation improvements - numbers TBC.	P
Housing	Solar panels	Investigating installation of solar panels on new build properties	P
Housing	New architects	New architects appointed with specific expertise on sustainability	P
Housing	New build properties	New builds will be required to be gas free, so housing are investigating energy efficient / low carbon options for future heating / Hot Water systems	P
Housing	Training	Plan to procure training and subsequently develop a strategy on green sustainable housing	P
Housing	Heating controls	Heating upgrade and individual controls for each flat in sheltered accommodations scheme	P
Leisure	LED light upgrade	£170k investment, with energy efficiency and carbon reduction benefits and reduced costs for the Council, by £40k p/a	C
Leisure	Pool cover insulation	Reduction in energy consumption / carbon reduction benefits	R

Leisure	Plant room insulation	Reduction in energy consumption / carbon reduction benefits	R
Leisure	Pool tank insulation	Reduction in energy consumption / carbon reduction benefits	R
Leisure	Leisure Centre Refurbishments	Waterside and Runnymede partial refurbishments incorporated energy efficient measures with carbon reduction benefits.	R
Environmental Health	ECO grants	Work with Aran Services and Rochford Council to offer free / discounted insulation and energy efficiency measures, taking advantage of ECO3 grants.	C
Environmental Health	ECO Grants	Investigation of ECO Flex Scheme / publication of statement of intent	P
Environmental Health	Private Rented Sector	Proactive works to advise on / enforce Minimum Energy Efficiency Regulations for private rented sector	C/P
Environmental Health	Essex Energy Switch	Promotion of scheme to assist residents in gaining cost savings from their energy bills.	C
HR	Home working	Current home working arrangements have reduced the need to commute to the office, thus saving on car journeys / carbon reduction benefits. Plans to continue scheme post COVID, potentially part time office working / part time home working.	C/P
Facilities	Civic Offices	Replaced 35 external light fittings with LED fittings	R
Facilities	Civic Offices	Renewed atrium lighting (14) with 12 No LED fittings	R
Facilities	Runnymede Hall	300mm insulation above ceilings (865sqm)	R
Facilities	Runnymede Hall	Replace lighting with LED fittings East Room (4 No), small hall (11 No), Girls WC (2 No), Boys WC (2 No), external covered ways (10 no), external light (1 no),	R

		external bulkhead light (1 no)	
Facilities	The Whitehouse	Replaced 14 external light fittings with LED fittings	R
Facilities	Woodside Cemetery Chapel	Refurbish flat roof (East side) including insulation (none previously) - 25sqm	R
Facilities	Woodside Hall	Replace 2 No light fittings in kitchen with LED fittings	R
Facilities	Woodside Pavilion	1 No LED light fitting (disabled WC)	R
Facilities	KGV Pavilion	Replaced 2 No defective dimplex heaters	R
Facilities	KGV Pavilion	Replace external single glazed windows with double glazed units (4 No 4450x750mm)	R
Facilities	SB Playing Fields Pavilion	Replaced 2 No external light fittings with LED fittings	R
Facilities	SB Playing Fields Pavilion	Renewed 36 internal lights and installed PIR detection throughout	R
Facilities	SB Playing Fields Pavilion	Replace all windows with double glazed units (29 No)	R
Facilities	SB Playing Fields Pavilion	Replace 9 No defective wall heaters with energy efficient models	R
Facilities	Farmhouse Depot	Fit insulation jacket to attic water tank including lid	R
Facilities	Farmhouse Depot	Fit new insulation cover to electric immersion heater tank.	R
Facilities	Farmhouse Depot	Major structural works included insulation to 26sqm of floor	R
Facilities	Farmhouse Depot	Replaced 19 light fittings with LED fittings and PIR controls	R
Facilities	Farmhouse Depot	250mm additional insulation to roof void (115 sqm)	R
Facilities	Waterside Farm Bungalow	Refurbish flat roof including insulation (none previously) - 126sqm	R
Facilities	Dutch Cottage Museum	Refurbish flat roof including insulation (none previously) - 33 sqm	R
Facilities	LED lighting	Further LED lighting schemes across Council owned estates	P
Operational	Labworth Car Park	Working through designs for new car park at Labworth, to include	P

		electric car charging points	
Operational	Vehicle fleet	Consideration of carbon reduction / energy efficiency when specifying new vehicles. Keen to consider electric vans if a suitable option becomes available.	P
Building Control	New regulations	Revision of Approved Document L (Conservation of Fuel and Power) is likely to result in push to reduce CO2 emissions in new and existing buildings.	P
Grounds maintenance	Vehicle fleet	Pinnacle (GM / cleaning contractor) in early stages of project to look at benefits of changing their fleet to Hybrid or Electric.	P
Grounds maintenance	Vehicle fleet	AdBlue diesels now current default for vehicle procurement. Ad blue is a high purity aqueous urea solution which reduced vehicle emissions. Currently 6 in operation on Castle Point Contract.	C
Planning Policy	Local Plan	Local Plan will require all new homes to be built to improved energy efficiency standards	P
Planning Policy	Walking / Cycling	Working with ECC on 'Local Walking and Cycling Improvement Plan' with the intention to drive modal shift towards more sustainable forms of travel.	P
General policy	Grants	Promotion of LOCASE grants through BEST (Business Essex, Southend, Thurrock) growth hub	C
Operational	Recycling	Work to increase recycling rate, currently around 50% in CPBC	C
Operational	Fleet	Speed limits to save fuel, Euro 6 engines specified	C
Operational	Waste minimisation	Proactive work to reduce waste including working with ECC on programme. Lowest waste tonnage in 15 years.	C

Operational	Essex Forest Partnership	Tree planting initiative, in partnership with ECC	C
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Appendix C - Description of general approach to climate change taken by UK local authorities as reported to Environment PSC.

Such is the concern about the impact of climate change on the environment that many local authorities have now declared a Climate and Ecological Emergency and are developing action plans to help combat/minimise the impact of climate change. The UK Parliament declared an environmental and climate emergency on 1 May 2019, becoming the first country in the world to do so.

At the time of writing 277 of 408 District, County, Unitary and Metropolitan Councils have declared a climate and ecological emergency to date. Some others have decided to take a different approach, such as local 'manifesto's' or simply by utilising existing ad-hoc arrangements.

A declaration of a Climate and Ecological Emergency does not in itself statutorily bind the Council to any targets set, but is a political statement of intent, demonstrating local leadership and the and can be a powerful catalyst for community wide action.

For those Councils that have declared climate emergencies, the most common declarations involve the aim of bringing carbon emissions down to net zero, or to the lowest level reasonably practicable, by a defined date, most often 2030 or 2050, or to not set a date and treat carbon reduction as an ongoing matter. After a declaration is made, this is most often followed by a recommendation to carry out further work to produce an action plan which can be used to target resource effectively and describe the intention of the authority to. Several Essex Borough / District Councils have taken this approach.

Of the councils that decided to set specific targets focussed on the emissions produced by their own activities; a minority also included targets relating to the wider locality. However, it should be noted that most emissions produced by a wider locality fall outside of the direct control of a Council.

Locally, Essex County Council has recently established the Essex Climate Change Commission. This new cross-party working group will look at how the Council can work to reduce its carbon footprint, reduce waste, promote recycling and sustainable transport and work with the community, businesses and suppliers to support them in becoming more environmentally aware and proactive in tackling climate change.

The Growth and Recovery Prospectus produced by the Association of South Essex Local Authorities (July 2020) which includes Castle Point has proposed the region becoming Carbon Zero by 2040, with significant progress made by 2030, using a combination of innovative energy technology, minimising harm caused by travel and reshaping the way and how we move and designing in the highest levels of energy efficiency in planning and building design.

It should be noted that many larger authorities have access to dedicated officer posts and/or teams of officers dealing specifically with Climate Change, Carbon Reduction and/or Energy Efficiency. Castle Point Borough Council being a small council does not have the benefit of such arrangements, so that work undertaken towards carbon reduction, will continue to be undertaken by officers with many other

operational duties. This situation may restrict the overall ability of the Council to complete works above and beyond that already planned.