

Castle Point Borough Council Local Development Scheme (LDS)

1. Introduction

The Local Development Scheme (LDS) is the Council's project plan and timetable for preparing a new Local Plan for the Borough, which will eventually replace the Local Plan Saved Policies 1998. It sets out:

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

This version replaces all earlier versions of the LDS.

2. The scope of the Local Development Scheme

The Local Development Scheme has two principal purposes:

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

Appendix 1 sets out information relating to the Supplementary Planning Documents being prepared by the Council. Appendix 2 sets out a risk assessment for the preparation of the documents. Appendix 3 sets out the resources available for the preparation of the documents.

Duty to Co-operate

The Council has been co-operating with neighbours and statutory bodies to maintain a robust evidence base to support local decision making:

South Essex authorities have been working together to create a Joint Strategic Plan and the supporting evidence base documents. The JSP is being undertaken in order to create a longer-term strategy concerned with the areas that currently fall under the jurisdiction of the South Essex Local Planning Authorities. At present, the Council is expected to meet its own housing need through allocations found within the new Local Plan and is not intending to seek assistance from neighbouring authorities to fulfil housing need. Finally, there are currently no other Local Planning Authorities seeking aid from Castle Point to help meet housing need.

On an Essex wide level the Essex Planning Officers Association (EPOA) has been working across Essex to develop shared evidence base work such as the Greater Essex Growth and Infrastructure Framework (GIF), and also shared work around the accommodation needs of Gypsies and Travellers. More recently, it has commenced work considering the relationships between different housing market areas and the potential for protocols to be established to enable more effective, meaningful co-operation between authorities when addressing cross boundary strategic housing issues.

Since December 2017 eleven districts and boroughs within the County alongside Natural England have been working together to create a Recreational disturbance Avoidance Mitigation Strategy (RAMS) to help prevent disturbance to protected species along the Essex coastline. This project will deliver a Supplementary Planning Document (SPD) that will be integrated into the new Local Plan within Castle Point and the other participating authorities.

Minerals and Waste Planning

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

3. Monitoring and Review

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

Evidence Base

The Council has collected, analysed and published a significant body of evidence, either individually or with other local planning authorities or partners, regarding planning matters over the course of many years. The complete library of evidence base material can be found at the Council's web-site using the following link: <https://www.castlepoint.gov.uk>

4. Timetable

Castle Point Local Plan

The Local Plan must set out policies and proposals that will be used to guide decisions and investment on development and regeneration. It will help make sure that the Borough is developed in the right way.

The plan must set out how and where homes, jobs, community facilities, shops and infrastructure will be delivered and the type of places and environments to be created.

The new Local Plan will cover the district right up to 2031 and will replace the Saved Policies from the 1998 Local Plan.

The Local Plan must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of Castle Point Borough.

The process for producing a Local Plan is set out in national law and regulations. The Local Plan has to be submitted to the Secretary of State for approval and a public examination will be held by an independent Planning Inspector.

Stage	Commencement Date
Regulation 18	
Issues Consultation Sustainability Appraisal scoping report (6 weeks)	July 2018
Regulation 19	
Publication of Plan (8 weeks)	December 2019
Regulation 22	
Submission of Local Plan to Secretary of State	June 2020
Regulation 24-26	
Examination and Adoption of Local Plan	Anticipated Spring 2021 ¹

¹ Once the Local Plan is submitted by the Council, the programme for examination is dictated by the Planning Inspectorate.

South Essex Joint Strategic Plan

In July 2017, the Leaders and Chief Executives of the South Essex Authorities (Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea, Thurrock and Essex County Council) initiated an approach of collaboration to develop a long-term place-based growth ambition. A joint strategic approach will enable the South Essex sub-region to collectively support economic growth and respond to external pressures such as the Thames Estuary 2050 Commission and the London Plan.

Part of the South Essex growth ambition will be realised through the preparation and adoption of a Joint Strategic Plan. The JSP will be a high level planning framework covering the whole South Essex area. It will set out the overarching spatial strategy, housing target and distribution, strategic employment areas, key transport and other infrastructure priorities and strategic development opportunity areas. It is set to deliver a minimum of 90,000 new homes and 52,000 new jobs by 2038. Along with housing and employment the vision aims to deliver large scale infrastructure that will permit long term growth for the region.

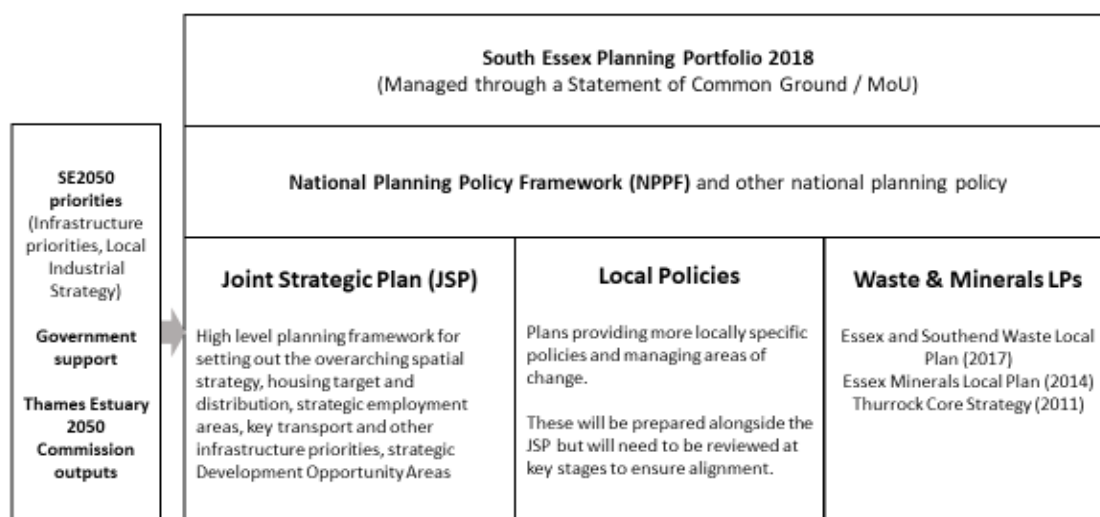
The JSP will be part of the development plan in Castle Point, forming a portfolio of documents that will be used to inform local decision making once adopted.

In accordance with NPPF, a statement of common ground will support the preparation of the JSP, to ensure that there is not only a proactive and positive approach to strategic planning matters across housing market areas, but that there is a clear (and agreed) approach to how these will be delivered in all relevant local plans.

For the South Essex Authorities to deliver the JSP, a budget of approximately £3million has been set aside for all work related to the plan. This includes; preparation of evidence base, time spent at examination, Local Planning Authority incurred costs and staff time.

The diagram below illustrates the relationship between the Castle Point Local Plan and the JSP:

Figure 1: South Essex Planning Portfolio



The provisional timetable for the JSP subject to agreement by respective ASELAs councils is as follows*:

Stage	Commencement Date
Regulation 18	
Issues and Options Consultation	January 2019
Regulation 19	
Publication of Plan	November 2019
Regulation 22	
Submission of Local Plan to Secretary of State	March 2020
Regulation 24-26	
Examination and Adoption of Local Plan	Summer and Autumn 2020 ²

* This timetable has not been met, because of this, the Issues and Options Consultation is now planned to be undertaken in early 2020. As well as this, a new LDS is being prepared currently for agreement by the LPAs involved.

5. Statutory and Non-Statutory Assessments

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

Section 19 of the Planning and Compulsory Purchase Act 2004, as amended, requires LPAs to carry out a 'sustainability appraisal' of the proposals in a Local Plan during its preparation. Many of the requirements for sustainability appraisal are similar to the requirements set out in

² Once the Joint Strategic Plan is submitted by the Councils, the programme for examination is dictated by the Planning Inspectorate.

the Environmental Assessment of Plans and Programmes Regulations 2004, which give effect to European Directive 2001/42/EC regarding the assessment of the effects of certain plans and programmes on the environment. Such assessments are known as Strategic Environmental Assessment, and are normally incorporated within the wider Sustainability Appraisal process and reporting.

Habitat Regulation Assessment (HRA)

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

Equality Impact Assessment

The Equality Act 2010 provides a statutory duty on the Council to have “due regard”, as part of any decision making process and before reaching a decision, to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act.

To this end, development plan documents that affect how people access services will be subject to an Equality Impact Assessment.

Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion, sex and sexual orientation.

Economic Viability Assessment

The NPPF expects local planning authorities to consider economic viability when preparing local planning policies.

As part of the evidence base, it is expected that a Viability Assessment will be prepared testing the impacts of various policy options such as affordable housing provision and any developer contribution requirements on the viability of development proposals. This will be used to ensure that economic viability has been considered when preparing development plan documents. Separate work on economic viability has been undertaken on the master plans.

6. Statement of Community Involvement

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

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

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

The Castle Point Borough Council's SCI was reviewed and a new version adopted in 2014, a further review will be required in 2019.

Appendix 1 – Document list

Supplementary Planning Documents (SPDs)

Detailed guidance on policy matters is normally set out in supplementary planning documents (SPDs) provided that there is a clear link to policies in an approved development plan document. The requirement for additional guidance on a topic determines the need for such documents to be prepared.

The below documents are SPDs that are currently adopted in Castle Point:

- Essex Design Guide Urban Place Supplement (2008)
- Essex Vehicle Parking Standards (2010)
- Developer Contributions Guidance (2008)
- Canvey Town Centre Masterplan (2012)
- Residential Design Guidance (2013)

It is expected that an Essex Coast Recreational disturbance and Avoidance Mitigation Strategy (RAMS) SPD will be adopted by April 2019.

The RAMS SPD will sets out a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar Avoidance and sites along the Essex coast and proposes measures to mitigate impacts. The SPD will be supported by a technical strategy prepared by consultants on behalf of eleven local planning authorities across Greater Essex (Basildon District Council, Braintree District Council, Brentwood Borough Council, Castle Point Borough Council, Colchester Borough Council, Chelmsford City Council, Maldon District Council, Rochford District Council, Southend-on-Sea Borough Council, Tendring District Council and Thurrock Council).

Evidence base

Since the previous Local Development Scheme (July 2017) the following progress in regards to evidence base documents has been made in preparation of the new Local Plan:

- Essex Gypsy and Traveller Accommodation Needs Assessment (2018)
- South Essex Economic Development Needs Assessment (2017)
- South Essex Strategic Flood Risk Assessment Part 1 (2018)
- South Essex Retail and Leisure Needs Assessment (2018)

The following progress on the evidence base will be made by autumn 2018:

- Strategic Housing Land Availability Assessment (2018)
- Castle Point Strategic Flood Risk Assessment Part 2 (2018)
- South Essex Sport and Leisure Facilities Needs Assessment (2018)

- South Essex Playing Pitch Strategy (2018)
- Castle Point Community Infrastructure Needs Assessment (2018)
- Sustainability Appraisal (SA) Scoping Report (2018)
- Transport Modelling (2018)
- Brownfield Land Register Part 1 (2018)
- Greenbelt Review (2018)
- Viability Assessment (2018)

Appendix 2 – Risk Management

There are several factors which may impact upon the ability of the Council to keep to the timetable for the production of local plan documents. This will have implications for the Council in terms of putting in place a plan for the Borough which provides certainty to residents, businesses and other stakeholders about where development will, and will not, be directed.

Without such a plan, the Council will not be able to:

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

Additionally, the Government has confirmed that it will intervene in plan-making in areas where councils without a post 2004 local plan have not submitted a plan for consideration by the Planning Inspectorate. This will reduce the control the local planning authority has over such matters. In March 2018, the Council received a letter from the Secretary of State for Housing, Communities and Local Government confirming the intention to commence Intervention in the Castle Point Local Plan. As of June 2018, the form of this Intervention had not been confirmed, but dialogue with the Ministry has confirmed the need for a Local Plan to be prepared to an accelerated timetable, and this Plan must focus on bringing forward new homes in the early part of the Plan period.

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

Threat	Level of risk	Comment and proposed mitigation	Managed risk
Significant public opposition to the Local Plan	High	<p>The Local Plan will tackle contentious issues that could give rise to significant public opposition. Whilst every effort will be made to build cross community consensus, there remains risk of significant public opposition to the Local Plan proposals.</p> <p>Logistically this could cause a higher volume of work in the processing and analysis of representations than accounted for in the LDS timetable, which could set it back.</p>	Medium

Threat	Level of risk	Comment and proposed mitigation	Managed risk
		To help reduce this risk, responses from the 2014 and 2016 draft Local Plan consultations will be used to assess public opinion. The 2014 and 2016 draft Local Plans will form the majority of the new Local Plan so previous consultation responses as well as updated evidence will help inform the Plan.	
Legal Challenge	High	A legal challenge can be lodged to any Local Plan document within 6 weeks of its adoption. The degree to which this could occur is uncertain due to the relatively new Local Plan system created by changes made to the Planning Acts, by the Localism Act 2011. To avoid a legal challenge, every effort will be made to ensure that procedures and regulatory requirements are followed.	Medium
Inability of the Planning Inspectorate (PINS) to deliver examinations / reports to timetable	High	<p>Since 2010, the Planning Inspectorate's remit has expanded and its budget cut as part of the Government's austerity measures. This has led to a number of changes in how the Inspectorate operates. There remains a risk therefore that PINS may not have the capacity to provide an Inspector at the exact time the Council would like an Examination in Public to start. Despite recent efforts to recruit additional Inspectors, there remains a risk that demand for Inspectors to serve EiPs may outstrip the supply, compounding staff shortages that have been present for some time.</p> <p>The Council will maintain an open dialogue with PINS during the preparation of the Local Plan up to Regulation 19 stage to gauge whether timescales can be met by both organisations.</p>	
Staff turnover, staff loss, long term sickness	Medium	As with any organisation, from time to time staffing pressures such as sickness, maternity, paternity leave and staff loss need to be effectively managed. This will be undertaken in line with Council procedures for staff retention, as well as measures such as recruiting into vacancies as quickly as possible, using temporary staff and secondments, or Service Level Agreements with other Councils, where possible, to cover maternity/paternity leave.	Low
Financial shortfall	Medium	Local Plan document preparation can be expensive, particularly the preparation or commissioning of the evidence base, production of documents, thorough consultation and public examination. Examination costs may inflate due to the length or complexity of an examination	Medium

Threat	Level of risk	Comment and proposed mitigation	Managed risk
		and the hiring of expert witnesses to defend the Council's plan. Legal challenge could also mean further unforeseen costs are incurred, such as legal fees. The Local Plan budget is subject to regular monitoring and profiling by Financial Services and the Transformation Manager to ensure that any pressures are identified early and to enable unspent budget to be carried forward across financial years to ensure this LDS remains financially supported and therefore viable as a plan-making programme. The S151 officer is notified through this process should overspends be predicted in current or future years to ensure the budget remains on target.	

The Statement of Common Ground supporting the South Essex Joint Strategic Plan is a live document and will be updated in response to the emerging plan and cooperation between the Local Planning Authorities. The Statement of Common Ground can be viewed on the [Castle Point Borough Council website](#). The Statement includes a risk register which will be maintained as a key project management tool to guide the deployment of resources and achievement of milestones for the JSP.

Appendix 3 – Resources

In order to deliver the programme set out in this LDS in an effective and timely manner it is necessary for the right resources to be put in place.

Table 1: Cost of Castle Point Local Plan work

Task	Estimated Costs £
Evidence base work 2018-2019	90,000
Statutory assessment consultancy 2018-19	35,000
“Duty to co-operate” work 2018-19	20,000
Consultation work 2018-19	30,000
Temporary staff 2018-19	20,000
Service Level Agreement – Essex County Council	235,000
Service Level Agreement - Basildon Borough Council	135,000
Programme officer 2019	30,000
Examination 2019	90,000
Total expected costs	685,000
Less amount in earmarked reserve	(330,100)
Less amounts in existing staffing budgets	(81,400)
Total additional budget required	273,500

Table 2: Costs of CPBC contribution to South Essex Joint Strategic Plan

Task	Estimated Costs £
Statement of Common Ground 2018-19	10,000
Memo of Understanding 2018-19	10,000
Evidence base work 2018-19	20,000
Statutory assessment consultancy 2019-21	20,000
Consultation work 2019-20	10,000
Temporary staff 2019-20	20,000
Programme officer 2020-21	10,000
Examination 2021	10,000
Adoption 2021	10,000
Total expected costs	110,000

At this time it is envisaged that these costs will be able to be fully funded from the Planning Delivery Fund grant from central Government. Should that change extra budget would likely be required for any elements not able to be funded by the grant.