

## **Examination of the New Castle Point Local Plan**

**Inspector:** Philip Lewis BA(Hons) MA MRTPI

**Programme Officer:** Andrea Copsey

Examination Office, PO Box 12607, Clacton-on-Sea, CO15 9GN

[copseyandrea@gmail.com](mailto:copseyandrea@gmail.com) 07842 643988

---

6 September 2021

Ian Butt  
Head of Place and Policy  
Castle Point Borough Council  
Council Offices, Kiln Road,  
Thundersley, Benfleet  
Essex SS7 1TF

Dear Mr Butt

### **Examination of the New Castle Point Local Plan**

1. As I indicated at the conclusion of the examination hearings on 29 June 2021, I am writing to set out my thoughts on the New Castle Point Local Plan (the Plan) at this stage and the way forward for the examination. My comments are based on all that I have read, heard and seen to date. However, I emphasise that the examination is not yet concluded and consultation on main modifications is still to take place. Therefore, these comments are without prejudice to my final conclusions on the Plan.
2. Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. I will set out my reasoning for this in my final report. The main modifications should include changes proposed by the Council through their hearing statements and submissions, where I consider they should be treated as main modifications in accordance with the tests for soundness, together with the further main modifications to individual policies and their supporting text as discussed at the hearings. I have invited the Council to prepare a consolidated set of these proposed main modifications for my consideration prior to public consultation on them and I will respond separately in this regard. In addition, there are several matters discussed at the hearings which I said I would take away for further consideration. I set out my response to these matters below.

### **Procedural matters**

3. The Written Ministerial Statement (WMS) of 24 May 2021 has made substantial changes to planning policy to enable the delivery of First Homes. The WMS states that "a home meeting the criteria of a First

Home will also meet the definition of 'affordable housing' for planning purposes". As the Plan was submitted for examination before 28 June 2021, it is not required to reflect the First Home requirements. I have considered whether a requirement for an early review of the Plan might be appropriate in order to introduce the First Homes requirements at the earliest possible opportunity.

4. As discussed at the hearings, amendments should be made to Strategic Policy HO4 Securing More Affordable Housing to make it sound. The resulting Policy would be sufficiently flexible to allow for the provision of First Homes as per the WMS. In order to be effective, the reasoned justification as set out in paragraph 9.39 of the Plan should be amended to clarify how First Homes will be sought through the provision of affordable housing, as per the Council's Note, EXM-039. Policy HO4 should also be amended to clarify that affordable housing contributions would not be sought from housing for older people at Canvey Island as that would not be viable.
5. The Government published a revised National Planning Policy Framework (the Framework) on 20 July 2021. There are no transitional arrangements for Local Plans submitted after 24 January 2019 and one of the tests of soundness in paragraph 35 of the Framework is consistency with national policy.
6. The Council has prepared a note on the implications of the publication of the revised Framework for the Plan. Representors were also given the opportunity to provide written comments to supplement their representations and statements following publication of the revised Framework. I have had regard to the comments received and consider that to be consistent with national policy as expressed in the revised Framework, a number of Main Modifications should be made to the Plan based on those set out in the Council's note.
7. At the same time, I invited comments from representors on a number of documents produced and published during and after the close of the hearings on the examination website. I have similarly taken those comments into account. Thank you to those representors for your comments.

### **Sustainability Appraisal**

8. Whilst it has been queried as to whether the Council had invited representations on the Sustainability Appraisal (SA) of the submitted Plan as required by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), it is apparent that the SA was published alongside the Plan and that representations were made by representors, including Natural England, a consultation body as defined by the SEA Regulations. I have also had regard to

the Statements of Common Ground (SOCG) with the consultation bodies in this regard. For the avoidance of doubt however, the Council should in its consultation on the amended SA at the main modifications consultation stage, ensure that consultation is being undertaken on the amended SA as per the SEA Regulations.

9. In terms of the reasonable alternatives chosen in the SA process, I consider that they are realistic and that the Council has provided an adequate outline of the reasons for selecting them. However, whilst options may be rejected as the Plan moves through various stages, and they do not necessarily need to be examined at each stage (see *Calverton PC v Nottingham CC* [2015] EWHC 1078 (Admin)), the SA should signpost clearly where the reasons for rejecting sites earlier in the plan making process are set out. In this regard, a suitable reference should be provided in the SA to the Housing Sites Options Topic Paper H-016 which gives reasons for the rejection of certain sites considered through the Strategic Housing Land Availability Assessment (SHLAA).

### **Superseded policies**

10. Regulation 8(5) of The Town and Country Planning (Local Planning) (England) Regulations 2012 (2012 Regulations) requires that where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. Appendix 7 of the Plan should be amended to make it clear that the Plan supersedes the policies of the Castle Point Local Plan 1998.

### **The Plan Period**

11. The Framework in paragraph 22 sets out that strategic policies should look ahead over a minimum of 15 years from adoption to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. The Plan has been prepared with a plan period of 2018 to 2033 and therefore would look ahead around 12 years from adoption. Notwithstanding this, I note that the South Essex Economic Development Needs Assessment (SEEDNA) (ER-002) considered the period 2016 – 2036 and the provision of employment land proposed in the Plan would in effect, look ahead over a 15 year period from adoption.
12. Overall, and subject to my specific comments later in this letter, I am satisfied that the Plan identifies an adequate supply of specific, deliverable housing sites for years one to five after adoption, and specific developable sites for years 6 to 10 consistent with paragraph 68 of the Framework. However, it is apparent that the provision of housing beyond 2033 would require significant additional work to be

undertaken by the Council, including a further assessment of strategic transport infrastructure and Green Belt Review.

13. The undertaking of such additional work would cause significant delay to the adoption of the Plan, having a knock-on effect on the efforts of the Council to significantly boost the supply of homes, in an area where the 2020 housing delivery test measurement was 48%. Furthermore, I have regard to the preparation of the South East Essex Plan, the area for which Castle Point falls within, which is to set out an overall strategy for development across the whole area. In the circumstances, I consider it pragmatic for an otherwise sound Plan (as amended) to proceed to adoption with a plan period of 2018 – 2033, despite not being in line with paragraph 22 of the Framework in regard to the provision of housing. Some representors have stated that the vision for the Plan should look ahead at least 30 years as per paragraph 22 of the Framework. Even if I were to agree that the Plan fell within the policy for larger scale development, given the transitional arrangements set out in paragraph 221 of the Framework, this policy would not apply.

### **Provision for housing need and the housing requirement**

14. The submitted Plan has been prepared using the standard method for assessing local housing need as set out in the Framework and the Planning Practice Guidance (PPG). This sets a minimum of 342 dwellings per annum or 5,130 for the period 2018 - 2033. In the Council's hearing statement for Matter 4, an updated figure is provided calculated using a 10-year period from the current year and the most recent median work-place based affordability ratio for the Borough. This provides a capped adjusted figure of 355 dwellings per annum, which equates to 5,325 dwellings for the plan period. These figures were discussed at the hearings.
15. The PPG sets out that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates, such as where increases in housing need are likely to exceed past trends, due to growth strategies, strategic infrastructure improvements and an authority agreeing to take on unmet need from neighbouring authorities as set out in a statement of common ground.
16. Whilst I heard about the high level of affordable housing need in Castle Point, national policy does not require that this is met in full through development plans. Additionally, I am not convinced that there is any effective housing demand over the level of local housing need, and I have not been convinced by the evidence that an increase in the local housing need figure, say up to the uncapped level, would bring forward any significant additional affordable housing from

market housing. Furthermore, I am satisfied that the affordability adjustment applied takes into account past under-delivery of housing as set out in the PPG.

17. There was also some discussion about unmet need arising in neighbouring areas, and from London. However, there has been no agreement by the Council to take on unmet need from a neighbouring authority set out in a SOCG and I heard that there has been no request from the Mayor of London for the Council to take on some unmet need arising from the Capital.
18. Neither national policy as expressed in the Framework, or the guidance set out in the PPG, is concerned with providing a lower housing need figure than that indicated by applying the standard method. The standard method simply takes the household projections, applies an affordability ratio and an adjustment figure to arrive at the level of housing need.
19. The total local housing need for the plan period of 5,325 homes should be the minimum housing requirement for the Plan and the Plan should be amended accordingly. In reaching this view, I have applied paragraph 11 of the Framework and do not consider there is a strong reason for restricting the level of housing development.

### **The Supply of Housing**

20. During the hearings, the Council provided updated housing land supply data including details of housing completions and net extant permissions to April 2021. Given the current Local Plan was adopted in 1998, housing development in the Borough in recent years has principally arisen from windfall development (sites not specifically identified in the development plan).
21. Looking forward, there is compelling evidence for such a supply from windfall sites given historic delivery rates, the SHLAA, the Brownfield Register, Town Centre redevelopments and schemes arising from prior approval processes. It would be reasonable to allow for a further 600 dwellings arising from windfalls by 2033. In reaching this view, I have not been convinced that there is compelling evidence that petrol station repurposing would specifically yield housing during the plan period. In addition, whilst any additional capacity for housing provision which may come forward within the proposed allocations may provide some comfort that the housing requirement can be met, there is no compelling evidence that a general allowance for further capacity within the proposed allocations is justified. If the Council considers that some allocations would yield more homes than indicated, then that should be reflected in specific site allocation policies as main modification so that they are clear.

22. Later in this letter, I make specific comments regarding a number of the proposed housing allocations. Taking those into account, I am satisfied that the plan provides for a sufficient housing land supply to meet the local housing need.
23. Whilst some representors have sought provision of additional housing land supply to provide some 'headroom' above the minimum requirement for flexibility, I do not find the Plan unjustified in providing housing land marginally above the minimum requirement. This is because of the particular factors that need to be taken into account in the Plan area, which include, amongst other things, the exceptional circumstances for the alteration of Green Belt boundaries, infrastructure constraints, habitats sites and flood risk matters. The housing supply is sufficient to provide a reasonable prospect that the requirement will be met.

### **Stepped or flat annual housing requirement and 5-year Housing Land Supply**

24. The Plan would provide for a significant increase in the supply of housing in Castle Point. Whilst the Council is working with site promoters on the delivery of the sites proposed to be allocated, it will nevertheless take some years before some of these sites start to deliver new homes. Furthermore, in the first three years of the plan period, there is already a backlog in the provision of new homes against the new plan requirement. This backlog would be carried forward until later in the plan period. If this backlog is front-loaded it would lead to an annual requirement that is very unlikely to be achieved regardless of land availability.
25. Consequently, it would be justified to step the housing requirement to reflect this, with the bulk of the new homes being delivered in the mid/later parts of the plan period.
26. My view is that Strategic Policy HO1 should be modified to provide for a minimum of 5,325 homes for the plan period. For the first five years, the requirement should be set at a level which is realistic but does also recognise and respond to the recent shortfall in supply and the need to boost delivery from the present levels. The Council's hearing statement sets out that the requirement should be 291 homes per annum for the period 2018 to 2023, and 384 homes per annum thereafter.
27. Given that a significant uplift from the rates of historic provision in Castle Point is necessary to meet local housing need and so provide a significant boost in the supply of housing in the Borough, and that such an uplift will take time to happen, it would be reasonable to

recover this backlog spread over the remaining plan period known as the Liverpool method. In reaching this preliminary view, I have had regard to the likely delivery of homes from the proposed allocations and the lead in times needed, particularly for sites proposed to be released from the Green Belt.

28. Would the Council please recalculate the stepped requirement and five-year housing land supply figures, on the basis set out in this letter taking into account the updated housing land supply and applying the appropriate buffer of 20% as per the housing delivery test. In addition, I invite the Council to update the Housing trajectory to reflect the changes set out in this letter and as discussed at the hearings.

### **Provision for Gypsies and Travellers**

29. The updated Castle Point Borough Council Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) sets out an assessment of the need for provision of additional pitches for Gypsies and Travellers who met the definition in Annex 1 of the national Planning Policy for Traveller Sites (PPTS), those who did not meet the PPTS definition, and for households whose need was unknown.
30. Through responses to my initial questions and at the hearings, it has been clarified that the identified need arises from the two established sites in Castle Point. Since the GTTSA was undertaken, the current and future need arising at the Janda Field site has been addressed through the granting of planning permission on appeal for 3 additional pitches (3213684).
31. The remaining need relates to a site known as Orchard Place. This is an area of previously developed land with sufficient space available to accommodate additional pitches. However, as the site is situated in the Green Belt, any proposal would have to demonstrate very special circumstances through the development management process on account of the provision of new buildings being inappropriate development. To be effective in providing for the future needs arising from this site, the Green Belt boundary should be amended, with the site being inset and allocated for the purposes of Gypsy and Traveller accommodation only. Having regard to document EXM-042 – Note on Gypsy and Traveller Provision and Revised Policy HO7, I consider that there are exceptional circumstances for the removal of this site from the Green Belt for this specific purpose only. I will deal with this in more detail in my final report.

32. Strategic Policy HO7 and the supporting text should be amended to specifically allocate the site, to address issues relating to Habitats sites, and the living conditions of occupiers as discussed.

### **Housing allocations**

33. Paragraph 125 of the Framework includes that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Whilst there is a significant shortage of land for housing at present in Castle Point, the Plan seeks to meet the requirements for the plan period in full. It is nevertheless important that the Plan should support development which makes efficient use of land.
34. I am satisfied that the Council has through the Plan making process, including the large site capacity assessments, sought to achieve the efficient use of land against the criteria set out in paragraph 124 of the Framework.
35. The proposed housing allocations are typically expressed as being 'up to' a given number of homes. This would not be effective as the actual number of homes to be provided would be determined through the development management process, and it is possible that in some cases, higher site yields may be achieved, say due to the eventual housing mix. I am of the view that each of the site allocations should be expressed as being 'around' a given number of dwellings. A new paragraph should be inserted into Chapter 10 of the Plan. This should explain that the site capacity indicated for each of the allocated sites has been set out as being around a given figure for the purposes of plan making, based upon the site capacity assessment work undertaken and having regard to strategic considerations such as the provision of infrastructure, but that it would be for the development management process to determine the actual numbers of new homes to be provided on each site, having regard to the site constraints, opportunities and housing mix proposed. I invite the Council to prepare a main modification to that effect.
36. Unless otherwise set out in this letter, the site capacity figures for the proposed allocations contained in the submitted plan are justified, on the basis set out above.

### **Local Policy HO10 Land between Felstead Road and Catharine Road, Benfleet**

37. As per my comments on Local Policy NE4 Local Wildlife Sites later in this letter, the proposed extension to the local wildlife site as indicated on the Policies Map is not justified. However, in terms of overall site



capacity, there is no compelling evidence for a different figure than that set out in the submitted Plan, which would be considered through the development management process in any event.

#### **Local Policy HO11 Land off Glyders, Benfleet**

38. The proposed site and Green Belt boundaries should be amended to exclude the eastern projection shown on the submitted Policies Map as per the SOCG (SCG-016) given the location of the gas pipeline and potential location for surface water storage. I invite the Council to make the necessary changes to the Policy and text. Changes to the Policies Map would need to be subject to separate consultation.

#### **Local Policy HO16 Land at Oak Tree Farm, Hadleigh**

39. The Policy should be amended so that it is clear that vehicular access to the site shall be from Central Avenue only in order to safeguard the existing public right of way (Poors Lane) consistent with paragraph 106d of the Framework and having regard to the adjacent Great Wood and Dodd's Grove SSSI and nearby Local Wildlife Site.

#### **Local Policy HO20 The Chase, Thundersley**

40. Having regard to the Framework, the site capacity should be increased to around 430 homes, so that the optimal use of land can be achieved within the identified constraints. I am not convinced that a lower site capacity as proposed in the submitted Plan is justified on the basis of the site constraints and policy requirements; factors which have not been applied consistently on the other proposed site allocations to deviate away from that provided by the Large Site Capacity Study update (H-013).

#### **Local Policy HO23 Land East of Canvey Road, Canvey Island**

41. The proposed site allocation would immediately abut the Scheduled Monument 'Roman saltern 260m south east of Great Russell Head Farm, Canvey Island'. As proposed, the allocation would cause harm to the significance of the Scheduled Monument through harm to its setting and its relationship with its historic landscape context. My principal concern rests with harm which would arise from development of the field to the west of the Scheduled Monument. Whilst the harm which would arise could be mitigated somewhat through embedded mitigation measures, such net harm would nevertheless be significant considering the importance of the designated asset. It is apparent that the site could be developed without built development within the field to the west of the Scheduled Monument, other than the provision of access from Canvey Road. On this basis, I am not convinced that there are the exceptional circumstances for the removal of this particular field from the Green Belt.

42. The proposed site allocation boundary and that of the Green Belt should be altered to exclude the field to the west of the Scheduled Monument. The Council should consider however whether to ensure deliverability of the proposed site, that sufficient land necessary for the proposed roundabout and site access road which would fall within the field to the west of the Scheduled Monument should be removed from the Green Belt. This is due to the provisions of paragraph 150 of the Framework, and that such infrastructure would be likely to affect the openness of the Green Belt.

**Local Policy H025 Land at Thorney Bay Caravan Park, Canvey Island**

43. As the site is being redeveloped with Park Homes under existing consents, the proposed allocation should be altered to make this clear, and so that it would be effective in dealing with any new scheme which came forward. In addition, the reference to safeguarding land for Roscommon Way should be deleted as per my comments on Promoting Sustainable Transport.

**Local Policy H031 Land to the East of Kings Park Village, Canvey Island**

44. The proposed allocation should be amended to include a criterion regarding the proximity of the site to an area formerly used for landfill to identify the need for a contaminated land assessment to be undertaken.

**Employment land**

45. The SEEDNA considers future employment growth in South Essex for the period 2016 – 2036. The total employment land requirement for Castle Point for the period, with a supply side adjustment taking into account historic development rates and offsetting losses of employment land to other uses, is 9 hectares.
46. Policy EC1 proposes that there should be an additional 24 hectares of employment land over the plan period. Three sites are proposed to be allocated, in Local Policy EC2. Of these, the proposed extension to Charfleets Industrial Estate is under construction and there has been a technical start to construction of the site south of Northwick Road. Numerically therefore, the employment land need as identified in the SEEDNA could be said to be met in full, and indeed exceeded, from these sites. These sites are situated at Canvey Island.
47. It is also proposed that 3.7 hectares of land are allocated to extend the Manor Trading Estate in Thundersley. This land would be removed from the Green Belt.

48. I have had regard to the proposed distribution of new employment land between Canvey Island and the 'Mainland' part of the Borough, and that the Council considers that there is not a reasonable alternative to the extension of the Manor Trading Estate to provide additional employment land on the Mainland. I have also taken into account that over 50% of the planned housing growth would take place in the 'Mainland' and that the Framework promotes sustainable travel.
49. Whilst I understand vacancy rates of existing employment sites to be low and that existing employment land provision is predominantly located at Canvey Island, due in part to the gas and oil receptor and storage facilities, I am not convinced by the evidence that there is a need to seek greater balance in the provision of employment land within Castle Point. There is however an issue with the quality of some of the existing industrial areas, a matter which would be addressed through Strategic Policy EC1.
50. In terms of the exceptional circumstances for the alteration of the Green Belt boundary to accommodate the extension to the Manor Trading Estate, there is no numerical need for additional employment provision at a strategic level for the plan period. Furthermore, whilst the planning system should actively manage patterns of growth in support of the transport objectives of the Framework, the proposal at the Manor Trading Estate is modest in scale, and any such benefits would be limited.
51. The proposed allocation would be accessed from the Manor Trading Estate. Given what I have read, heard and seen of the condition of the existing infrastructure at the Trading Estate and the level of investment needed to make the necessary improvements, I have serious reservations as to whether the proposed allocation would come forward during the plan period.
52. To conclude on this matter, there are not fully evidenced and justified exceptional circumstances for the alteration of the Green Belt boundary for the proposed extension to the Manor Trading Estate as set out in the Plan. The proposed allocation should be deleted and the Plan amended. The land should be retained in the Green Belt. Given that there is not a shortage in the provision of employment land, I am not inviting the Council to consider an alternative proposal.

### **The Green Belt**

53. Castle Point falls within the Metropolitan Green Belt. The Government attaches great importance to Green Belts, the boundaries of which should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans.

The Green Belt in Castle Point is drawn tightly around the existing urban areas. In this section I shall deal with Green Belt matters not already covered in this letter.

54. Castle Point has a pressing housing need, issues with housing affordability, high affordable housing need about equal to the total local housing need, and a shortfall in the provision of market and affordable homes when assessed against local housing need. There is no scope to export the Borough's housing need to another district. Neighbouring authorities are also constrained by Green Belt and other factors and have their own development needs. The proposed housing provision would help address housing affordability and would provide more affordable homes. There is also a need to meet the housing needs of Gypsies and Travellers.
55. I am satisfied that the Council has sought, through measures such as the Brownfield Register and the SHLAA process, to make as much use as possible of brownfield sites and underutilised land for sustainable development and that it is proposing to do so in a way which is consistent with Chapter 11 of the Framework. I also consider that the evidence demonstrates the difficulties in achieving sustainable development without impinging on the Green Belt. The Council's Housing Land Supply Update (H-029) indicates that about 52.9% of the housing land supply would be from completions to date in the plan period, from consented sites, and other identified or proposed sites in the urban area, including previously developed land. This would leave about 47.1% of the housing land supply (about 2,884 homes) to be provided by proposed allocations outside of the existing urban areas.
56. The Council's Green Belt Review documents provide an assessment of the nature and extent of the harm to the Green Belt which could arise from a change in the boundaries in both strategic and site-specific terms. In general terms, the Green Belt Review process has considered how impacts on the Green Belt can be ameliorated or reduced to the lowest reasonably practicable extent. I do however make some comments in this regard in this letter to further ameliorate or reduce impacts on the Green Belt.
57. The submitted Plan includes a number of other changes to the Green Belt. In particular, there are a number of changes proposed relating to educational and leisure facilities. My comments are as follows:
58. USP Canvey College Campus and the former Castle View School (PGB-8). The removal of the southern part of the site from the Green Belt is justified as it is substantially developed, and therefore it is no longer relevant to apply a policy which aims for it to be kept permanently

open. However, there are no exceptional circumstances demonstrated for removing the sports pitches from the Green Belt.

59. PGB-9 - Deanes School and Virgin Active, Hadleigh. I have not been convinced that there are exceptional circumstances for removing the playing fields from the Green Belt, nor that they should not be kept permanently open. Both the Deanes School and Virgin Active sites, excluding the playing fields, are substantially built up and the removal of those parts of the sites from the Green Belt is justified.
60. PGB-10 - Glenwood School, Benfleet. Having regard to the Green Belt Review Part 2 GB-004 and GB-006, I am satisfied that there are exceptional circumstances for removing this site and neighbouring land from the Green Belt.
61. PGB-11 - King John School, Benfleet. I am not convinced that there are exceptional circumstances for removing the playing fields from the Green Belt nor that they should not be kept permanently open.
62. PGB-12- Cornelius Vermuyden School. The proposed extent of the alteration of the Green Belt boundary is justified.
63. To conclude on this matter, the need for sustainable development to provide an uplift in new housing provision constitutes the exceptional circumstances to alter the Green Belt boundaries in Castle Point for the provision of housing. I shall deal with this in more detail in my final report. However, I am not convinced there are exceptional circumstances for releasing land for employment purposes from the Green Belt which I have outlined above in respect of Local Policy EC2. The removal of the educational and leisure sites from the Green Belt as outlined above is justified to the extent I set out above, with the land identified being retained in the Green Belt.

### **Green Belt development management policies**

64. The submitted Plan contains a number of Green Belt Policies (GB1 to GB8). I consider this suite of policies to be unsound as they do not all serve a clear purpose in that there is unnecessary duplication of national policy as set out in the Framework, some inconsistency with national policy and I have concerns about the effectiveness of a number of them. In particular, Local Policy GB4 Limited Infill – Special Policy Areas, would not be effective, as whilst the Policy would support new dwellings within the defined areas, any such proposals for new buildings would be inappropriate development as they would fall outwith the exceptions defined in paragraphs 149 and 150 of the Framework. Local Policy GB4 should be deleted.

65. The Green Belt policies should be amended to clarify that proposals would be considered in accordance with the Framework and that the extent of the Green Belt is defined on the Policies Map. Furthermore, Strategic Policy GB2 should be amended so that it is evident how a decision maker should react to development proposals. Strategic Policy GB7 Positive Uses in the Green Belt should be amended to be consistent with national policy. The changes to the Green Belt Policies should be made along the lines of EXM-047.

### **Promoting Sustainable Transport**

66. I have read and heard much about the existing transportation issues facing the residents of Castle Point. This includes traffic congestion, the nature of the main road routes and the limited number of routes between Canvey Island and the Mainland, and the provision of sustainable alternatives to the use of the private car. I was able to travel the key routes during my site visits.
67. Given the technical evidence, the level of growth proposed in the Plan is such that any significant impacts which would arise from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. There is no convincing evidence to the contrary, or that a significantly higher level of growth can be accommodated within the plan period without causing significant impacts which could be successfully mitigated.
68. The submitted Plan however is not clear in the way in which it addresses strategic highway improvements, containing both highway improvements necessary to support the growth proposed in the Plan, and a number of schemes, which whilst not actually proposed in the Plan, are included as long-term aspirations.
69. The Plan in Table 14.1, includes a number of projects, two of which were discussed at the hearings and I consider them below.
70. The Extension to Roscommon Way (Phase 3). A route for this scheme is shown on the Policies Map and the Plan proposes to safeguard this through Local Policy TP2. This scheme is not critical in developing infrastructure to widen transport choice and to realise opportunities for large scale development, and there is not robust evidence for the proposed route to be safeguarded in the Plan. Furthermore, I am not convinced by the evidence that the scheme as outlined would be achievable. The Plan should be amended accordingly with the scheme being deleted from policy, along with consequential modifications arising from the removal of the safeguarding of the proposed route. A route for the scheme should not be included on the Policies Map.

71. New Access for Canvey Island. Table 14.1 also includes a scheme for a new access to Canvey Island, crossing Holehaven Creek to the Mainland. This scheme is not a proposal in this Plan and no safeguarding provisions are proposed. Consequently, it was not subject to Sustainability Appraisal or Habitats Regulations Assessment (HRA). The inclusion of the scheme in the Plan in this way is not clear and has created some confusion and concern about its status. Although the scheme is listed in the Plan it is not proposed as a policy and I have not assessed it's merits as a proposed scheme.
72. The Council has been having discussions with some Duty to Cooperate Bodies about new or improved access to Canvey Island for a number of years. There is also an agreement with Essex County Council to undertake a Canvey Study to assess potential access arrangements and improvements to access Canvey Island. Potential schemes such as those above could be considered in the study along with other transport options.
73. To conclude on this matter, the Plan should be modified to amend Local Policy TP2, accompanying text and tables to include only those schemes which are necessary to support the growth proposed in the Plan. Given the strategic importance of providing resilient access for Canvey Island, as discussed at the hearings, a new Policy should be included to set out that the Council will undertake a study of access options for Canvey Island, to inform the review of the Plan.

### **Local Policy CC2 Tidal Flood Risk and Management Area**

74. Canvey Island falls within Flood Zone 3a and is protected from tidal inundation by the existing sea defences. Evidence indicates that due to the effects of climate change, the sea defences will need to be improved over the next 50 years to ensure that Canvey Island remains protected. I note that the preparation of the Plan also considered the risk of flooding from all sources.
75. The Framework in paragraph 153 includes that Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
76. In this case, the Policy should be amended to be clear that an area of up to 19 metres measured from the landward edge of the current sea defence should be safeguarded. This is to allow for the footprint of future raising works to the sea defences, and sufficient land for adequate access to construct new defences, and maintain, inspect and repair the sea defences. The Policy should be clear that it would be for the development management process to determine the extent of

land needed to be kept free of development on a case-by-case basis, and how it would be applied to schemes relating to existing development and facilities. To be effective, the Plan should also be amended to make clear that this matter also falls under the Flood Risk Activity Permitting regime administered by the Environment Agency, which relates to activities within 16 metres of a sea defence structure.

### **Local Policy TC6 Fast Food Outlets**

77. Local Policy TC6 seeks to ensure that there is not an over concentration of hot food takeaways within the defined shopping areas, and that there should be no new hot food takeaways within 400 metres walking distance of new and existing schools, colleges and youth centres outside of town centres.
78. The Council has drawn my attention to the Castle Point specific evidence on the proliferation of hot food takeaways in the Borough, around 35% of all food outlets in Castle Point, appreciably above the Essex average, and the local health data. I have also considered the Retail and Leisure Study 2017 and the Shop Frontages Assessment which identifies the uses of existing shop units.
79. The thresholds set out in the Policy are sound on the basis that they seek to prevent over proliferation of hot food takeaways within established retail areas. However, part 2 of the Policy which seeks to restrict hot food takeaways within 400 metres walking distance of new and existing schools, colleges and youth centres outside of town centres is not justified. I consider that there is no Castle Point specific evidence which demonstrates a causal link between the proliferation of hot food takeaways and obesity/eating habits that justifies the proposed 400 metre distance. That part of the Policy should be amended so that such uses can be accommodated within defined town centres in accordance with Policy TC1 and following a health impact assessment and provision of necessary mitigation measures to tackle obesity.

### **Local Policy NE3 – South Canvey Green Lung**

80. The Plan includes the South Canvey Green Lung, which Local Policy NE3 seeks to protect from development, and supports the creation of new habitats. The designation seeks to maintain separation between the existing Oil and Gas storage facilities and residential areas, maintain the openness of the area and its landscape value, in addition to identifying the area as a strategically important wildlife corridor.
81. The area subject to the designation is not included within the Green Belt, and given the evidence, I do not find that its designation is justified on landscape grounds. The area is in part subject to Local Policy NE4 Local Wildlife Sites and development is in practical terms



constrained by the proximity of the Oil and Gas storage facilities on safety grounds. The above factors provide the particular circumstances relating to this area to justify its designation in the Plan on that specific basis. However, the Policy should be refocused from being a 'Green Lung', to a wildlife corridor and buffer to maintain public safety and to ensure that the Oil and Gas sites do not have unreasonable restrictions placed upon them arising from any new development in the area.

### **Local Policy NE4 Local Wildlife Sites**

82. The Plan includes the proposed alterations to a number of Local Wildlife Sites (CPT5 Canvey Village Marsh, CPT9 Kents Hill Wood, CPT10 Coombe Wood, CPT23 Thundersley Plotlands, CPT38 Brick House Farm Marsh, CPT44 Poors Lane). Except for the amendments proposed to address changes arising from development, I am not convinced from the evidence provided that the proposed extensions are based on robust assessments and do not find them adequately justified. The Council may wish to consider whether it should include these areas as potential local wildlife sites, and state that if they are ultimately endorsed, they would be reconsidered in the review of the Plan. The preparation of further evidence to justify the extensions to the sites as local wildlife sites is likely to give rise to a significant delay to the adoption of the Plan, and I do not request this.

### **Progress of the examination**

83. At this point and subject to the Council's response to this letter, I anticipate that the examination of the Plan will proceed with the preparation and publication of main modifications for consultation as discussed at the hearings and as set out in this letter. These proposed changes should be subject to SA and HRA and those documents should also be published for consultation as per the appropriate Regulations.

84. In a number of cases, the geographical illustration of policies on the map is wrong and makes the policy/plan unsound unless amended. The Council should also undertake consultation on any 'additional modifications' and changes to the Policies Map alongside the main modifications consultation.

85. The Council's Local Development Scheme should be updated to reflect the examination of the Plan being between October 2020 to Autumn/Winter 2021/22 and the anticipated adoption of the Plan being at the end of that period.

### **Conclusion**

86. On the evidence I have read and heard to date, all of the main modifications I set out in this letter are necessary for the Plan to be

sound. I should be grateful if the Council would let me know its response, so I can decide how to take forward the examination. I will contact you separately in regard to the schedule of main modifications compiled following the hearings, via the Programme Officer.

87. On receipt of this letter, the Council should make it available to all interested parties by adding it to the examination website. However, I am not seeking, nor envisage accepting, any responses to this letter from any other parties to the examination.

88. I would like to thank the Council for its co-operation during the examination to date and look forward to working with you during the final stages of the examination.

Yours sincerely

*Philip Lewis*

INSPECTOR