Statement of Common Ground

Castle Point Plan 2026 to 2043

Regulation 19 Pre-Submission Draft

Land East of Manor Trading Estate, Benfleet

Between

Castle Point Borough Council

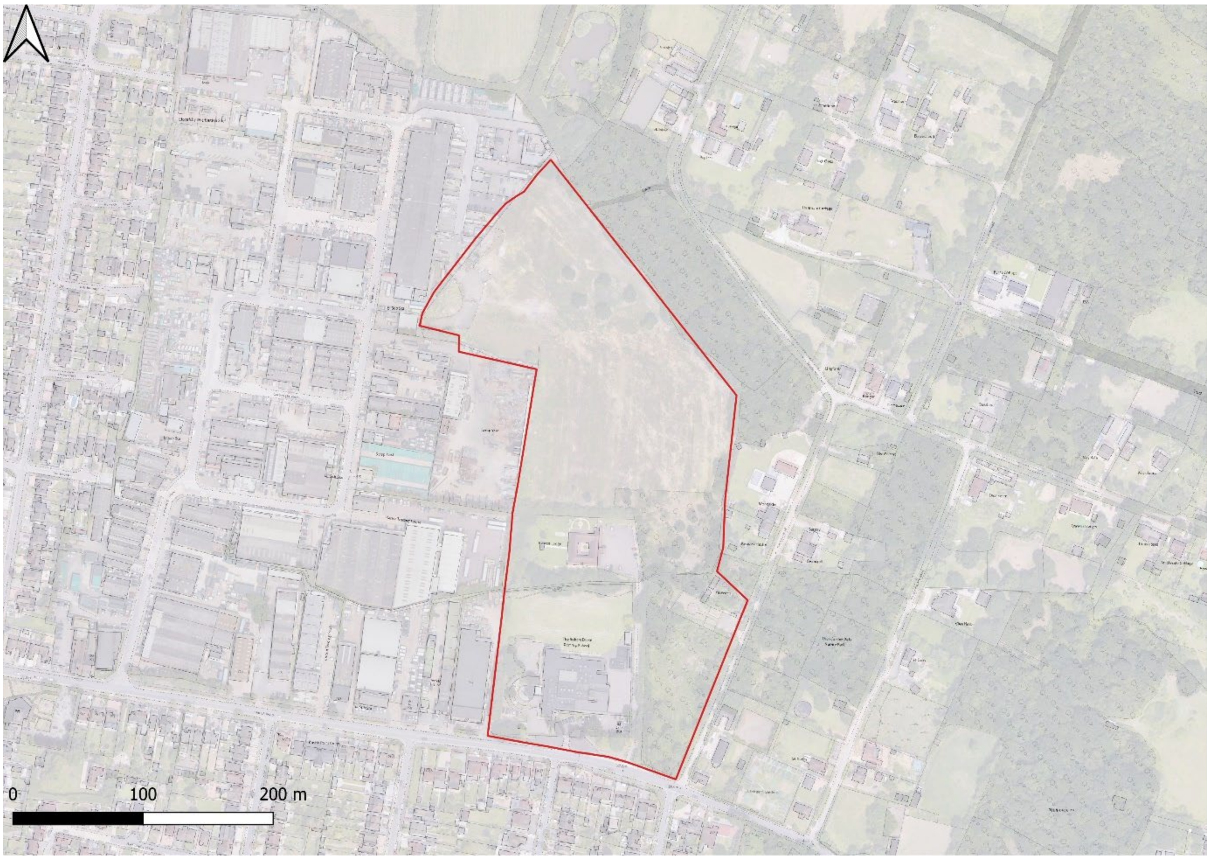
and

Essex County Council

August 2025

1. Introduction and Purpose

1.1 This Statement of Common Ground identifies areas of agreement between Essex County Council (ECC) and Castle Point Borough Council (CPBC) regarding the Site: Land East of Manor Trading Estate, Benfleet ("the site"), which has been assessed for residential development through the Castle Point Plan.



2. The Site and its Surroundings

2.1 The site is an irregular area of land to the east of the Manor Trading Estate, located in the Green Belt. It has an area of approximately 6.8ha, with a watercourse running within the southern part of the site.

2.2 The site is cleared woodland, which is subject to a woodland restocking order issued by the Forestry Commission details of which are set out in paragraph 4.5.

2.3 Part of the site close to the northern portion of the Manor Trading Estate appears to have been used for outside storage from the adjoining businesses.

2.4 To the west, the site adjoins the Manor Trading Estate, a mixed-use development accessed from Church Road. It comprises a range of commercial, service sector, warehouse, and industrial processes, including a scrap metal merchants and low-rise light industry buildings along the western boundary.

2.5 To the north and east, the site is adjoined by a belt of trees, beyond which are detached and semi-detached dwellings in large plots and the wider Green Belt.

2.6 To the south, the site is bounded by the curtilage of the Heston Day Care Centre and the Robert Drake Primary School.

3. Background

3.1 The landowner of this site submitted the site for consideration in the Castle Point Plan during the Call for Sites held from 12 January 2024 to 12 February 2024. Therefore, the site was included as an option site in the Issues and Options Consultation Document (Reg 18) in July 2024.

3.2 The site was previously identified for employment uses in the now withdrawn Castle Point Local Plan 2019-2033; However, the landowner objected to that proposed allocation, and submitted a representation and appeared at the hearings seeking that the site be allocated for residential development.

3.3 The Inspector into that plan disagreed with the landowner and also the Council in the need for employment land, and, therefore, the exceptional circumstances for this land being removed from the Green Belt. He concluded in paragraph 145 of the report: *'I am not convinced that exceptional circumstances for the alteration of the Green Belt boundary to accommodate the extension to the Manor Trading Estate, is adequately evidenced and justified.'* Therefore, the site was to be retained within the Green Belt, if that plan had been adopted.

3.4 The plan was not adopted, and subsequently withdrawn. Therefore, the site remains within the Green Belt as defined in the Castle Point Local Plan 1998.

4. Planning History and Appeal Decision

4.1 A planning application (21/0532/OUT) for 68 residential units, three Class E units, one B2 unit, and two B8 units on Land East of Manor Trading Estate was refused, and an appeal was subsequently dismissed in May 2023 (APP/M1520/W/22/3310794).

4.2 The proposal included noise mitigation measures such as a 12m high noise barrier formed by industrial and commercial buildings, and a 2.4m high noise barrier within the proposed development itself. Noise modelling was provided to support the application.

4.3 However, in dismissing the appeal, the Inspector found (paragraph 56) that the noise impact from Manor Trading Estate, particularly Benfleet Scrap, would create a poor acoustic environment for much of the proposed residential development. This was deemed contrary to NPPF 130(f) (now NPPF 135(f)).

4.4 Furthermore, the Inspector's planning balance assessment (paragraph 85) concluded that:

- While noise mitigation could potentially improve parts of the external environment to an acceptable level under NPPF paragraph 185(a), it was not demonstrated that this could be achieved across a sufficient extent of the site to support 68 residential units as proposed.
- Harm to potential living conditions from noise in the external environment of the housing would not be clearly outweighed by considerations of housing and affordable housing need, even supplemented by the minor benefits to employment land supply, environmental improvements within the Manor Trading Estate, and biodiversity gain.

4.5 In addition, parts of the site are subject to a restocking notice from the Forest Commission following the unauthorised removal of trees without a felling licence. The restocking notice was dated 13 February 2023 and provided until 30 June 2024 to comply with the requirements of the notice and then for a 10 year period following restocking, to retain and maintain those trees. A subsequent enforcement notice for non-compliance with the restocking notice was issued on 26 March 2025 which gives until 26 June 2026 to comply with the restocking notice. Neither notice to date has been complied with.

4.6 The restocking and subsequent enforcement notices are issued under the Forestry Act which establishes a regulatory regime which operates in parallel with the Planning Acts. It is a well-established rule that one regulatory regime does not normally override another and that one regulatory regime should not be used to impose the requirements of a different regulatory regime or to second-guess its operation. A developer must comply with the requirements of all regulatory regimes relevant to the proposal. Therefore, if any planning applications or plans were submitted for this site, they will have to comply with the requirements of the restocking notice under the Forestry Act, as well as any requirements under the Planning Acts.

5. Policy context for the Castle Point Plan

5.1 Following the publication of the National Planning Policy Framework (NPPF) in December 2024, the context in which the Castle Point Plan is being prepared has significantly changed, particularly regarding housing need and development within the Green Belt, including grey belt. As a result, a Green Belt Review has been undertaken by CPBC to assess potential grey belt sites across the Borough.

5.2 This Statement confirms the agreed position that residential development for this site is not supported.

6. Neighbouring Uses and Impacts

6.1 Adjacent to the site is Benfleet Scrap, a key facility for the reuse, recycling, and recovery of waste metal. Benfleet Scrap is a safeguarded site under the Essex and Southend-on-Sea Waste Local Plan 2017, which forms part of the Development Plan for this area. Therefore, ECC, as the Waste and Minerals Planning Authority, and CPBC have a responsibility to ensure that such facilities remain viable and are not compromised by incompatible neighbouring uses.

6.2 In response to the Castle Point Plan Issues and Options Consultation (Summer 2024), ECC has maintained that existing employment sites featuring `sui generis' operations should be supported and safeguarded for compatible employment activities, rather than being allocated for residential development. Residential uses are considered "bad neighbour" developments that could impinge on the viability of lawful employment uses, particularly general industrial and `sui generis' operations such as waste management.

6.3 Policy 2 (Waste Consultation Areas) of the Waste Local Plan, which forms part of the Development Plan for the Borough, require that waste operations must not be adversely affected by new development. Also the "Agent of Change" principle set out in the 2024 NPPF at Paragraph 200 requires, *'Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'*

7. Conclusion

7.1 The site is not considered suitable for residential development due to its proximity to incompatible existing uses and its potential impact on safeguarded employment sites.

7.2 Taking all of the above into account, CPBC and ECC agree that the principle of residential development at the site Land East of Manor Trading Estate, Benfleet, is therefore at present not supported.

Signed: [redacted]

For and on behalf of Castle Point Borough Council:

Name and Position: Ian Butt – Director of Place and Communities

Date: **16/09/2025**

Signed: [redacted]

For and on behalf of Essex County Council:

Name and Position: Graham Thomas - Head of Planning & Sustainable Development

Date: 29 September 2025
